AN ANSWER TO Dr. *SHERLOCK*'s Vindication OF THE Case of Allegiance DUE TO SOVEREIGN POWERS,

Which he made in

REPLY to an ANSWER to a late PAMPHLET,

INTITULED,

Obedience and Submission to the Present Government, Demonstrated from Bishop *Overal*'s CONVOCATION-BOOK: with a POSTSCRIPT, in Answer to Dr. *Sherlock*'s *Case of Allegiance*, &c.

By the same Author.

London, Printed for *Joseph Hindmarsh*. 1692.

Union Theol. Sem. Library
MCALPIN
1692
W135

A Catalogue of BOOKS Printed for *Joſeph Hindmarſh.*

Parey's Surgery.
Davela's Hiſtory of the Civil Wars of *France.*
Evelyn's Sylva.
Saunderſon's Sermons.
Biſhop *Brownrigg's* Sermons.
Snape's Anatomy of an Horſe.
Dr. *Rawleigh's* Sermons.
Dr. *Outram's* Sermons.
Mackenzie againſt *Stillingfleet.*
Diſcourſe of Primogeniture.
Practical Rule of Chriſtian Piety.
L'Eſtrange's Tully's Offices.
Doctors Phyſician, or Dialogues concerning Health.
The whole Art of Converſe.
Arbitrary Government diſplay'd.
Hudibras, Fourth Part.
Alamode Phlebotomy, or a Diſcourſe of Blood-letting.
Eutropuis in Engliſh, or a Breviary of the R. Hiſtory.
Chalmer's Spelling Book.
Behn's Miſcellany Poems.
The Whole Duty of Man in *French.*
The Works of Mr. *John Oldham.*
Tate's Miſcellany Poems.
Maimbourgh's Prerogative of the Church of *Rome.*
The Hiſtory of Count *Zozimus.*
Diſcourſe of Monarchy.
The *French* Bible.
The Teſtament in *French.*
Titus Andronicus.
Majeſtas intemerate.
Dr. *Pelling's* Apoſtate Proteſtant.
Dr. *Curtis's* Sermon.
Dr. *Alleſtree's* Sermon.
Sheridon's Caſe.
Gouge's Principles.
Spirit of Meekneſs.
Stafford's Tryal.
The Hiſtory of Paſſive Obedience Compleat, 3 Parts.
The Caſe of the Afflicted *Scotch* Clergy.
Hiſtory of the *Scotch* Perſecution.
Don *Sebaſtion.*
Modern Policy.
Rebells Catechiſm, writ by Dr. *Heylin*
Scotch Memorial.
Proteus Eccleſiaſticus.
Anſwer to Obedience and Submiſſion to the Preſent Government, Demonſtrated from Biſhop *Overall.*
Perjur'd Phanatick.
Eſſay on Pride.
Dr. *Talbor* of Agues.
Venice Preſerv'd, a Tragedy.
Elliot againſt *Oates.*

The Hiſtory of *Edward* the Third, a Tragedy.

The Miſtake; or Falſe Reports. A Play.

Slainee's Sermon.

Hindmarſh's Sermon.

Hool's Vocabulary.

Eraſmus Colloquies. 2 *ſ.*

Ingratitude of a Common-wealth.

Ariſtella.

Caſtalio's Latine Teſtament.

City Politicks.
Sir *Courtly Nice.*
Banditti.
Dame *Dobſon.*
} Plays.

The Poet's Complaint of his Muſe, by *Mr. Otway.*

Seneca's Morals.

Martin's Letters.

Diſappointment, or, The Mother in Faſhion, a Play.

Roll's Loyalty and Peace.

Hesketh's Sermon.

Robert's Sermon.

Loyal Satyriſt.

Vindication of the Church of *England.*

Pelling's Good Old Way.

Puffendorfe's Hiſtory of Popedom.

Chriſtian Prudence.

Chriſtianity, a Doctrine of the Croſs.

Hiſtorical Relation of the late *Presbyterian* General Aſſembly.

Vindication of the Government of *Scotland*, during the Reign of King *Charles* II. By Sr. *George Mackenzie.*

The Moral Hiſtory of Frugality. By Sr. *George Mackenzie.*

THE

THE Dr. in'imates, that his Anſwerer, *who writes with great triumph and aſſurance thinks it unpardonable in him, who hath been ſo weak* (by a figure I ſuppoſe) *as to confeſs he is not infallible, ever to believe his own ſenſes again.* Now if the Dr. thinks it decent to *recant* in ruffling language, and to propoſe his new opinions in ſuch a ſtrein of confidence and defiance; he may enjoy his own humour for me, I have once told him my mind about it, and ſhall give him no farther trouble on that account. And, if he likes it, he may go on and repreſent ſome of thoſe men; who not long ſince ſtood upon the ſame bottom with him, and own'd the ſame Principles, only with leſs heat and violence, by all the ſpightful characters and inſinuations he can; and at the ſame time tell the world he is not *angry*, and complain of *rage* and *venom, changing and confining friendſhips to a Party.* But methinks he might have ſpared the Anſwerer for writing with *triumph and aſſurance*, if he had done ſo; except the Dr. can ſhew his *Patent*, that no body may write ſo but himſelf: And I will forgive him, if he can find any thing in my *Anſwer* or *Poſtſcript*, comparable to that *Triumphant* concluſion of his *Vindication*; *If he* (his Anſwerer) *will promiſe to examine them* (his arguments) *well before he anſwers, I ſhall expect to hear no more of him.* Now it is a little of the thickeſt for a man to boaſt at this rate, and at the ſame time to charge his Anſwerer with writing *with Triumph and Aſſurance.* P. 1.

In like manner he might have ſpared the reflexion that follows, he tells me, *he ſhall beg leave to follow his own method, and juſtifie what he hath ſaid in the ſame order he hath laid it in*; And then adds, *his* (his Anſwerers) *altering of which, has more of art than honeſty in it.* Now if I had miſrepreſented his Arguments, or perverted the ſenſe of them, or drawn from them any odious or uncharitable inferences, and with *great honeſty* inſinuated that he did not believe a Providence or had *inclinations* to *Rome*, there might have been ſome colour for this reflexion. But if he hath notoriouſly done all theſe himſelf, as will plainly appear in the following diſcourſe, then his own reflexion faſtens upon him, and he had better have let it alone, for his own ſake at leaſt, tho it had been civil enough for his Anſwerer. But ſome men are very free of their *challenges*: But when they are anſwer'd, they are up in the boughs, and out of all bounds; the Drs. Hypotheſis was anſwer'd, and there is the plain *Diſhoneſty* of the buſineſs. Vindic. P. 48. 58.

But as for his *Method* and *Order*, 'tis all one to me, he may take which he likes beſt to *juſtifie* his Doctrines and Arguments, provided he will but *juſtifie* them, but that he will not do, and as yet he hath not done; as will appear upon examining what he offers in his vindication.

The Dr. begins with a Proof from the *Obſervator*, an admirable Hiſtorian to fetch an inſtance from, if he pleaſe in his next he may quote *Mercurius Politicus* or the *London Diurnal*, but this pretended Letter of King *James* hath P. 2. Title of an Uſurper Preface.

hath already been ſo well examin'd by a learned Author, that I have no occaſion to concern my ſelf any further with it. But if it were admitted to be true, and not ſuppoſititious: There is a great deal of difference between the judgment of King *James*, as it is expreſſed in that Letter, and the Doctors; King *James* expreſſeth it with words of abatement and caution, *you have ſtumbled upon the threſhold of that opinion, which makes God the Author of ſin, in ſaying upon the matter, that even Tyranny is Gods Authority*; and again you ſay *upon the matter*. But the Doctor ſays it is as ſure as can be, and hopes he may be allow'd to *believe his own ſenſes*. As if King *James* might not have *eyes* and *ſenſes* as well as the Doctor: But what King *James* could not, did not charge directly upon the Convocation, the Doctor plainly declares to be the ſenſe of it, and hath made it the foundation, both of his *freedom of thinking*, and of writing a Book. Now ſuppoſe King *James* did conceive the expreſſions of the Convocation had ſuch a tendency, and that *upon the matter* they might mean ſo, (which is the utmoſt can be collected from the words of the *Obſervators* Letter) is it impoſſible, he ſhould afterwards be otherwiſe informed? And if not, I wonder how the Convocation went on, and proceeded to paſs the Book in the upper houſe of Convocation, and paſs the other Books in the lower houſe. And likewiſe afterwards to paſs the *Province of York*. This could never have been done, except King *James* had been ſatisfied, that the words of the Convocation had no ſuch tendency as he ſeem'd to apprehend. For the Letter contains a direct prohibition to proceed, *I ſhall give you orders about it by Mr. Sollicitor, and until then meddle no more in it*. But of this enough and too much, except we had ſome better account of the Authority of it.

Caſe of Alleg. Preface.

And therefore let us come (as the Dr. ſays) to *try the ſenſe of the Convocation, from the Convocation it ſelf*.

The place is this ch. 28. pag. 57, *The Conv.* having given account of the various revolution of Governments brought about by the Providence of God, who for the ſins of a Nation or Country altereth their Governments and Governours, transferreth, ſetteth up and beſtoweth Kingdoms, as ſeemeth beſt to his heavenly Wiſdom. Add theſe words, 'and when having attained their un-'godly deſires (whether ambitious Kings 'by bringing any Country into their 'ſubjection, or diſloyal Subjects by 'their rebellious Riſing againſt their na-'tural Sovereigns) they have eſtabliſh'd 'any of the ſaid degenerate forms of 'Government amongſt their People, the 'Authority either ſo unjuſtly gotten or 'wrung by force, from the true and 'lawful Poſſeſſor, being always God's 'Authority (and therefore receiving no 'impeachment by the wickedneſs of 'thoſe that have it) is ever (when any 'ſuch alterations are throughly ſetled) 'to be reverenc'd and obey'd, and the 'People of all ſorts (as well of the 'Clergy, as of the Laity) are to be 'ſubject unto it, not only for wrath 'but alſo for Conſcience ſake.

Caſe of Alleg. p. 5.

He tells us, *he obſerved in the firſt place from the words of the Convocation, That thoſe Princes who have no legal right to their Thrones, may yet have God's Authority, which* (ſays he) *I proved, becauſe the Convocation ſpeaks of illegal and uſurped Powers, and yet affirms, that the Authority exerciſed by them is Gods Authority.*

Poſtſcript p. 3.

To this (ſaith the Doctor) *the Author anſwers, The Doctor will not, but the Convocation diſtinguiſhes between the means of acquiring the power, and the power it ſelf, the means of acquiring*

ring power, may be very unjuſt and illegal, and yet the power afterwards may be very legal. But the Doctor reſolves they muſt be all one, and becauſe the Convocation ſpeaks of the ambition of encroaching Kings, and the Rebellion of Subjects, as a means whereby Governments have been alter'd, therefore by a Government being throughly ſetled they muſt mean uſurped powers, as if it were impoſſible for ſuch beginnings afterwards to acquire a Right, and to terminate in a legal Title; and till that is, the Government is as unjuſt as the Rebellion and encroachment. Theſe I own to be my words, and further that the Doctor concludes rightly from them, when he ſays, *that according to this Author, a Government which is illegally and wickedly begun, when it is legally ſetled has God's Authority, and this is all that the Convocation meant by it.*

To this the Doctor replyes, *As for what he ſays, that I will not diſtinguiſh between the means of acquiring Power, and the Power it ſelf; I do not indeed diſtinguiſh as he does, but I diſtinguiſh as the Convocation does, that the means are wicked, but the Power and Authority is Gods, which is all the diſtinction the Convocation makes.* Very well, and which I pray are theſe *means* that are wicked that the Convocation ſpeaks of? I know of none but the wicked means of acquiring the power, as by Rebellion, and ambitious encroachments; and what is the *Power and Authority that is God's?* The Convocation mentions no other, but a *Government throughly ſetled*, and if the Convocation diſtinguiſhes between theſe (as it plainly does) then the Convocation diſtinguiſhes as I do, whatever the Doctor diſtinguiſhes; and by reaſon of that diſtinction, it cannot be concluded from the Convocation, that *becauſe they ſpeak of the Ambition of encroaching Kings and the Rebellion of Subjects, as a means whereby Governments have been alter'd; therefore by a Government being throughly ſetled, they muſt needs mean uſurped Powers.* And this I take to be the ground of the Doctors aſſertion, and he hath not yet contradicted it. He tells us (as above) that he obſerv'd from the words of the Convocation: That thoſe Princes, who have no legal right to their Thrones, may yet have God's Authority: Which (ſaith he) I proved, becauſe the Convocation ſpeaks of illegal, and uſurped Powers. But that is the Queſtion, which he begs and takes for granted, which yet is the main thing to be proved, and he did not before, nor hath yet offered to prove it. The Convocation ſpeaks indeed of, and condemns the wicked means of acquiring Power; and the Doctor ſeems from thence to conclude, that by a Government throughly ſetled, they mean uſurped Powers. He ſays here, *when the Convocation ſpeaks of the ſettlement of illegal Powers, which began by Ambition and Rebellion*; where he manifeſtly confounds what the Convocation diſtinguiſhes, and becauſe they ſay they *began* by Ambition and Rebellion, therefore the ſettlement they ſpeak of muſt needs be the ſettlement of illegal Powers; whereas the Convocation ſpeaks not one word of the ſettlement of illegal Powers; they ſpeak indeed of the ſettlement of Powers which began by wicked means: But theſe are two different things, and the Convocation plainly diſtinguiſhes them. And *ſuch beginnings may afterwards acquire a Right, and terminate in a Legal Title*; and that I think is plainly the meaning of the Convocation, and that from this diſtinction, for they expreſly tell us, in this Chapter, that *their attempts* (to acquire ſuch Governments) *of all ſorts are*

Vindic. p. 4.

Convoc. p. 57.

wicked and deteſtable in the ſight of God; and if the Government after it is acquir'd, be as unjuſt as the means, then 'tis likewiſe as *wicked and deteſtable in the ſight of God*; and then it follows, that we can no more become party's to the Government, than to the Rebellion and encroachment; for to ſay that a man may, (and much more is bound to) ſupport, maintain, and abett wickedneſs, is ſuch a Poſition in Divinity, that I never before met with. I know the Doctor hath a fine notion, and talks of God's Authority; but that God's Authority was ever actually join'd with a thing, the very being of which is *wicked and deteſtable in his ſight*, is a notion that a man may ſafely conclude never entred into the heads of the Convocation.

This is the reaſon for which I mentioned the diſtinction, and I thought I had expreſſed it plainly enough, but the Doctor is only pleaſed to repeat and take no further notice of it; but inſtead of that, deſires me to ſhew him, *where the Convocation ſays, that a Government which is illegally acquir'd cannot be throughly ſetled, till it becomes legal.* But what need is there for that? It is not the cuſtom of all Perſons (howſoever learned) to expreſs themſelves in ſuch a peremptory manner as the Dr. does, he tells us indeed, that God *cannot* make a King except he oblige the People to obey him; but that is not always the manner of the learned, who are contented with affirmative expreſſions as more modeſt. But ſaith the Dr. *if this had been their meaning it had been eaſily ſaid, and had prevented all miſtakes about it, which their words without this limitation, are apt to betray men into*, ſay you ſo, then I doubt a *thorough ſettlement* is not ſo plain a matter as every body can ſee, and the Doctor's believing his own ſenſes is but a banter: But however they might have eaſily ſaid it; and if the Doctor's ſenſe had been their meaning, might they not as eaſily have ſaid that? and I wonder which is eaſier ſaid, *A Government which is illegally acquir'd cannot be throughly ſetled, till it becomes legal*, or *a Government throughly ſetled by the conſent of the People, without or againſt the conſent and actual claim of the Right Heir.* This is as eaſie ſaid, and all the words beſides in the Convocation intire, whereas the words the Dr. thinks they might have ſaid cannot be put in, without putting out a great many other, and making an alteration of the whole ſentence; ſo that if the *eaſineſs of ſaying* was any reaſon, it is againſt him, and they did not mean his ſenſe, becauſe they might have ſo eaſily ſaid it, and have prevented all miſtakes, but the truth is, this ſignifies nothing either way, and all it proves is the want of better arguments: The Queſtion is not what they might, but what they have ſaid, and if they have expreſſed themſelves in words importing it, then they have ſaid it, and that they have done ſo I think I have prov'd ſufficiently. The Dr. does not think ſo, and therefore adds

I believe all unbiaſs'd men, who are not prepoſſeſs'd with other notions, and concern'd that the Convocation ſhould be on their ſide would never dream of our Authors ſenſe of the Convocation; well I cannot tell what men may *dream*, but I think except they do *dream*, they cannot agree to the Doctor's ſenſe, for a *through ſettlement*, contrary to a *legal viſible Title* actually conteſted is a thing only in imagination, and never had any real being. Vindic. p. 4.

As for what he ſays of being *concern'd that the Convocation ſhould be on their ſide*, I wonder who is moſt concern'd for that; theſe who do not urge it, nor act upon the Authority of it, although they believe it plainly and evidently juſtifies,

Case of All. Pref. ib. p. 3

juſtifies, and ſpeaks for them; or he who grounds his *liberty and freedom of thinking* (in theſe matters) upon it, who produces it to reſcue him from the *appearance of Singularity, and maintenance of Paradoxes*, which otherwiſe the Doctrines in his Book are not ridouſly liable to, and who neither hath nor pretends to have any other Authority of the Church of *England* beſides. And it is plain the ſtrength of his Cauſe depends upon it; ſo that if the being *concern'd that the Convocation ſhould be on their ſide*, may be apt to byaſs men in their interpretation of the ſenſe of it, the Doctor if he pleaſe may conſider it, for it affects no body ſo much as himſelf. But let us hear his Reaſons.

For, ſaith he, *If the Convoc. meant no more than our Author ſays that a Government illegally begun, when it is legally ſetled has Gods Authority, what a wonderful diſcovery is this, that legal Princes have Gods Authority, for who doubts of this? what need was there to introduce this with ſuch a long pompous Preface of the changes of Government by the Ambition of Princes and the Rebellion of Subjects? for let Governments begin how they will, when they are once legally ſetled, no man, that I know of, who owns the Authority of any Government to be from God, diſputes theirs.*

This I think I am to thank the Dr. for; for though he brings it as an Objection againſt the Interpretation I have made of the ſenſe of the Convocation, I take it to be a conſiderable Confirmation of it. For though I do not believe that no body diſputes this nor that the Convocation thought ſo (as we ſhall ſee preſently) yet if it were ſo it makes nothing againſt my Interpretation, but for it. For where is the harm of interpreting the meaning of the Convocation according to the general ſenſe of mankind? And if no man who owns the Authority of any Government to be from God, diſputes that Governments let them begin how they will, when they are once legally ſetled, have God's Authority; why does not the Convocation mean ſo too, if their words will bear it, which the Dr. owns; and I wonder which is moſt likely to be their ſenſe, that which no body diſputes, or that which every body diſputes, for I hope we may think, without any Reflection upon them, that a *wiſe and grave Convocation* were not as ready to maintain *Paradoxes* as the Doctor is. And what an admirable Objection is this? *What wonderful Diſcovery is this? who doubts of this?* As if a Convocation ſat for nothing elſe but to make *wonderful diſcoveries*; and if this ſignified any thing it is an Argument againſt half the Book: And all the plain and undoubted Truths they deliver, we muſt not believe to be their ſenſe, and for this weighty reaſon, becauſe *no body diſputes them.*

Vindic. p. 5.

But then the Dr. *wonders at my reaſon*, viz. 'Leſt it ſhould be thought the 'wicked ways of attaining this Right 'was a prejudice to the Right it ſelf, 'and people ſhou'd from thence take 'occaſion to rebell, and diſturb all 'the Governments in the world, be'cauſe they could not ſhew an expreſs 'order from God, or derive the pe'digree of their Governments from 'Adam or Noah, to prevent the terri'ble confuſion that ſuch a Notion 'would make in the world, they ſay 'that the wicked ways of attaining it, 'or the wickedneſs of the perſons 'that have it, is no impeachment to 'the Right it ſelf, but when it is at'tain'd it is God's Authority and ought 'to be obey'd. — Very well, theſe I own to be my words, and where is the occaſion to wonder at them?

p. 5. Anſw. p. 21.

That is to ſay (he ſays) *a wiſe and grave Convocation write a whole Chapter to confute a Nation without naming it, or giving any hint at it, which if ever it entred into any mad mans head, yet never*

did

did, never can disturb any Government, till a Nation is fitter for Bedlam than to be directed by a Convocation. This is a terrible Objection, for I hope a *grave and wise Convocation* did not sit to make directions for *Bedlam*. But what now if by all this Rant about *Bedlam* and *Madness* the Dr. means only *moral* madness (a new sort of *Madness* to agree with a *moral Incapacity*) which consists in vitious, absurd, and unreasonable Opinions. And then I hope it may not be so utterly impossible but a wise and grave Convocation may take them into consideration. I confess I then did not, nor yet do think them otherwise than very foul and unreasonable Opinions; but for all that, I do not think but that Governments may, and actually have been disturb'd by them, let the Dr. wonder as much as he please. For there are no Opinions so wild, especially in matters of Government, but what have always had too many Followers. But to let that matter alone, let us inquire into the Opinion, whether there were not then or since such Opinions in the world, that plainly centred in this, That Governours were resistable, because they could not derive their Government from *Adam* or *Noah*, or by Gods express nomination; and I shall leave it with him, whether such a Notion did or can disturb any Government. What does he think of the *Original Power of the People* and Government being nothing else but *compact*. This is always finally resolved into this; for when the Advocates of that Opinion are urg'd with the patriarchal Authority, with the Authority of *Noah*, and which was deriv'd to his Children, and with Gods express nomination, (which they neither can nor do deny) that in these cases Government did not proceed from the People. The Answer always is, Let them shew their descent from *Noah*, or Gods express nomination, and then they shall be allow'd to have the same Authority. And there is an *Author* who hath published a Book since the Doctor's Vindication, and it seems design'd in defence of him, who expresses it thus, *I suppose all Civil Governments must have their Original either from Submission or from Paternal Authority, because no Prince living can make good his claim as the direct heir from* Noah. So that Government being founded in *compact* is always defended by such Reasonings, and is always ultimately resolv'd into it; and whether that be a notion fit only for a *Mad mans* head, I must leave to the Doctor's own determination.

Their present Maj. Gov. proved to be throly setled p. 8.

But to seek no farther, the Dr. himself hath said enough of all Conscience in this point; for to clear his own Hypothesis he tells us concerning prescription, *That how long soever it is, it is Usurpation still: That natural Authority* (Paternal and Patriarchal) *is so sacred that no man hath Authority to give it away; that if choice and consent of the People makes a Prince, no man is a Subject but who consents to be so, and if Subjects give their Prince Authority, they may take it away*; that *if Conquest gives a Right, then force, the most unjust force, is Right*; *that submission is only a forc'd and after consent not to make a King, but to own him who hath made himself King*; *that an hereditary Right is either Usurpation which can give no Right or a Right by Law*, i. e. *by the consent of the People, which* (as he says) *be observed before could not be done.*

Vindic. p. 7. Case of Alleg. p. 23, 24.

Now let us suppose there are men, who maintain these Arguments and Reasonings, (and the Dr. knows this is no such wild supposition;) let us suppose likewise that they do not believe the Doctor's Hypothesis (and without any great venture a man may suppose that a thousand to one does not, and it is plain that all those who use these very arguments for Resistance do not) and then we are come to this very

very point before us, for every one of these Arguments are finally resolved into this, that Princes are not irresistible, because they cannot derive their Governments from *Noah* nor pretend to God's express nomination; so that the Doctor of all men, hath the least reason to *wonder*, who hath taken such mighty pains to display all the rebellious Hypotheses which stand purely upon this bottom. And in truth these very Opinions and Arguments (excepting our own and the age before us) never swarm'd more than in the time that Convocation sat; and there is abundance of this fine Doctrine in *Junius Brutus*, in a book *de jure Magistratus in subditos*, in *Parsons* on the Succession, and *Buchanan de jure regni*, and some of them are collected by Archbishop *Bancroft* in his *dangerous positions*, who was the most reverend President of this Convocation. And all these were published not long before they sat. And therefore it was no such great break as the Doctor imagines to think the Convocation had a direct respect to these rebellious Principles which at that time pester'd the world.

But the Doctor says *whereas the difficulties occasioned by the changes and revolutions of Government, especially when a rightful Prince is dispossess'd, and another setled in the throne, are very great, and worthy of the determination of a Convocation to direct mens Consciences in such cases.* Well! but suppose these *great and worthy* businesses which the Doctor hath written two books about, the Convocation thought them to be mere *Bedlam* Principles, and which no man in his right mind would ever have disputed, must they needs determine it because the Doctor thinks it worthy of them? There was some reason for the other, for *Junius Brutus* &c. were rife in the world; but the Doctor's *Case of Allg.* and *Vindication* had not then seen the light.

But the truth is, they have determined this point sufficiently, in the Case of *Joash* and *Athaliah*, and in this Chapter too, and the Question between us is, Whether the sense that I have given, or the sense which the Doctor hath given, is their Determination; and I am content as the Doctor says *to let every one judge which is the most probable account.*

2. His second Reason is, 'When 'the Convoc. speaks of the settlement 'of illegal powers, which began by 'Ambition and Rebellion, it is mani'festly unreasonable, unless it had 'been express'd, to expound this of a 'legal Settlement by acquiring a new 'legal Right. Settlement, I grant, as 'our Author says, is a Term of Law, 'and used by Lawyers of a legal Set'tlement, and must always in reason 'be understood so in Law, when the 'contrary is not expressed: but yet 'a firm and stable possession without 'Right, must be confess'd to be a Set'tlement too, tho not a rightful Settle'ment. I suppose our Author will not 'deny but that the Government was 'setled in fact under the three *Henries*, 'tho in his sense it was not a legal 'Settlement.

I answer, the Dr. plainly begs the Question, for saith he, *when the Convocation speaks of the* Settlement *of illegal Powers*, and when is that I wonder? When does the Convoc. speak of any such *Settlement*. That is the main Question, which the Dr. will take for granted, but will not, and I believe cannot prove it; and yet for all that he not only builds upon it, but makes it serve as a proof that the Convoc. by Settlement meant an illegal Settlement: And this is pure reasoning, The Convoc. meant an illegal Settlement because they meant an illegal Settlement; and that is because the Dr. will have it so; for he does not offer the least shadow of proof: And all that he says is *which began by Rebellion*

tion and Ambition: as if the beginnings of a Government and the Settlement of it were all one; as if becauſe the Convoc. in this Chapter ſpeaks of *Ambition*, *Rebellion*, and *wicked means* whereby Governments have been acquir'd, therefore by the *Settlement* afterwards, they muſt needs mean the Settlement of illegal Powers. Where is the conſequence or coherence of ſuch arguings? and the Dr. may as well ſay, that the Convocation teaches that Rebellion is Gods Authority, as that they ſpeak of the Settlement of illegal Powers If therefore the Doctor will ſpeak to the purpoſe, let him prove his Principle; let him prove that when the Convocation ſpeaks of a Settlement, they ſpeak of the Settlement of illegal Powers: but it is a wild ſort of proceeding, to take the main point in Controverſie for granted and then to argue from it, as if it had never been diſputed: at this rate a man may make the Convocation-book or any other book ſay what we pleaſe. The Doctor knows that I deny that the Convoc. ſpeaks of the Settlement of illegal Powers, and that on the contrary, Powers, ſo long as they continue illegal, cannot (in the ſenſe of the Convoc.) be ſaid to be ſetled.

But (ſays the Dr.) it is manifeſtly unreaſonable, unleſs it had been expreſs'd, to expound this of a legal Settlement, and is it not expreſs'd? If Settlement means a legal Settlement then it is expreſs'd, as full as the ſenſe of words can expreſs it. But here the Doctor ſhifts and evades, and does not give a full Anſwer. He *grants that Settlement is a term of Law, and uſed by Lawyers of a legal Settlement, and muſt always in reaſon be underſtood ſo in Law, where the contrary is not expreſſed:* But is this my Answer. I grant that I ſaid Settlement was a term of Law; but is that all? did I not ſay moreover, that *moſt men underſtand* the ſenſe of it, and expreſs themſelves by it accordingly? and did I not ſay before the *natural and uſual Conſtruction* of the words, and what is *uſually* underſtood by them. But here the Doctor confines it only to the *Law*, as if there were another and diſtinct ſenſe of it with reſpect to civil Poſſeſſions in common acceptation, which is contrary both to my meaning and to my words. I thought I had asked him a fair Queſtion, when I deſired him to 'ſhew me any one approved Lawyer, or 'Civilian (who are ſuppos'd to ſpeak 'the moſt properly in ſuch matters) 'or any Hiſtorian that ever delivered 'ſuch a ſenſe of theſe words, or that 'ever affirm'd or in a mere narratory 'way, declar'd that an uſurped Poſſeſſion was a thorough Settlement or 'any Settlement at all, when there was 'a rightful and legal Title in being a'gainſt it, and that Title actually conteſting —— But not a word of that. but there is another ſenſe (which no body ever heard of) that is more fit for the Doctor's turn, and that is reaſon enough that the Convocation muſt mean ſo by them, though thoſe Expreſſions never meant ſo either before or ſince: And which is the moſt pleaſant of all, he tells me very magiſterially, *That it argues great perverſeneſs of mind, to reject that ſenſe of the word which is proper to the ſubject to which it is apply'd, for ſuch a ſenſe as is ſo ſign and unnatural.* Now the Subject to which theſe words *thorough Settlement* are apply'd is Government; and I had deſired him to 'ſhew me any approv'ed Author that ever ſaid that *Tyrannus ſine titulo* (the Caſe the Dr. puts 'in his book) was a Government 'throughly ſetled, or any true Go'vernment at all. But no matter for that, the Dr. is reſolved to have a Settlement of his own, to ſerve his own purpoſe. Let the world ſay what they will, the notion that I give of a Settlement is that it denotes a rightful and

Anſw. p. 18.

Poſtſcript p. 1.

Poſtſcript p. 2.

and peaceable Poſſeſſion, which every body, and the Dr. himſelf owns to be a Settlement, tho he will not allow it in the preſent caſe, and I cannot blame him, becauſe it overthrows his Hypotheſis; the Doctor's notion is a Settlement of Poſſeſſion without Right, nay againſt it; nay further againſt a viſible and undeniable Right actually proſecuted, tho he cannot (and his anſwerer put it to him to) ſhew that any Author ever gave ſuch an account of a Settlement, either with reſpect to any uſurped Poſſeſſion, or with reſpect to the particular caſe of Uſurped Powers. And I ſhall leave it with the Reader, which is the moſt *foreign and unnatural ſenſe*, and conſequently (according to him) which *argues the greateſt perverſneſs of mind*, to interpret it in the uſual, vulgar, and univerſally receiv'd acceptation, or to coyne a new ſenſe of it to fit a preſent turn, and in which it was never underſtood before.

The Dr. tells us, to confirm his notion, That *it is plain that the right and ſettlement of government are two very different things, for they may be parted; the firſt relates to the Title, the ſecond to the ſetled Poſſeſſion, and exerciſe of government. And whenever a Rightful King is diſpoſſeſſed, our Author muſt grant, that his ſettlement is gone, tho not his Right*; well, if I muſt grant it I muſt, and what then? Then ſaith the Dr. *if Right and Settlement may be parted, I deſire to know, why there may not be a Settlement without Right, and then it is ridiculous to conclude, that Settlement muſt always ſignifie Right*; and, I wonder, whoever ſaid that Settlement either *always* or at all *ſignify'd* Right; it ſignifies a Rightful and quiet poſſeſſion, and that is neither Right ſingly, nor Poſſeſſion ſingly, but both together, joyn'd with quiet from other pretences, and this is an anſwer to what the Dr. deſires to know, *why if Right and Settlement may be parted, there may not be a Settlement without Right*, becauſe Settlement always includes and ſuppoſes Right, but on the contrary Right does not include nor ſuppoſe a Settlement. But this is nothing but fallacy, and by this way of reaſoning, a Man may prove any compounded thing to be without the neceſſary parts of its compoſition. A Houſe conſiſts of Walls and other things, but if the Dr. undertakes the buſineſs, he can prove a houſe to be without Walls; for it is plain, that a Wall and a Houſe may be parted, and if a Houſe and a Wall may be parted, then why may not a Houſe be without a Wall; but let us try it in his own Conceſſions, the page before he grants, that in the *Lawyers ſenſe*, Settlement ſignifies a Legal Settlement; now it is plain (in that ſenſe) that *Right and Settlement may be parted*; And *whenever a Rightful Poſſeſſor is diſpoſſeſs'd, the Doctor muſt grant that his Settlement is gone, tho not his Right, and if (in the Lawyers ſenſe) Right and Settlement may be parted, then* (in that ſenſe) *Settlement may be without Right*: Which, notwithſtanding is contrary to what the Doctor himſelf acknowledges. But all this is trifling and fallacious arguing, *à Diviſis ad compoſita*, becauſe the part may be without the whole, therefore the whole may be without the part, or becauſe the whole includes all the parts, therefore every part includes the whole. And how *ridiculous* ſoever it may be to conclude, that ſettlement ſignifies Right, it is not *ridiculous* to conclude, that the Dr. pays us with Sophiſtry inſtead of Arguments.

The Doctor goes on; *Nay the addition of* thorough *plainly refers Settlement to Poſſeſſion, and not to Right, for there are no degrees of Right, no more than there are of Truth.* Now whatever another man might have ſaid, the Dr. cannot fairly ſay this, without

contradicting himſelf: For he tells us over and over, that two Perſons may have a Right to the ſame thing, the Uſurper hath a *Divine* Right, the diſpoſſeſſed King a *Legal* Right to the Government. And it is plain that theſe are not the ſame, nor equal Rights, and therefore (according to the Doctor there are degrees of Right, and degrees of Right to Government too. The Uſurper hath a thorough Right for all the People are his Subjects, and the other hath a Right to catch it, if he can get it. This laſt, I muſt confeſs is a pretty kind of Right, and ſuch as no body ever heard of before, like the Doctor's notion of a Settlement: But it does not concern me to anſwer that, let the Dr. make it out as well as he can. In the mean time, ſuppoſe there are no degrees of Right; are there no degrees of quiet and peace, may not a Government be more or leſs interrupted in the Poſſeſſion? and are there no degrees of Evidence? may not the Right to a Government be more or leſs apparent? and this is the import of *throughly, when ſuch a Right is injoy'd plainly, evidently without any contradiction or objection*; as I had plainly ſaid before, tho the Doctor takes no notice of it.

Anſw. p. 18.

As for what the Doctor ſays, *I ſuppoſe the Author will not deny*, but that the Government was ſetled in fact under the three *Henries*, tho in his ſenſe it was *not a Legal Settlement*. If the Doctor will believe the Author of the *unreaſonableneſs of the new Separation*. He ſays, that the Title to the Crown, with reſpect to the two Houſes of *York* and *Lancaſter* was diſputable, and the Doctor knows there is a wide difference with reſpect to the Poſſeſſion, when the Title is doubtful; and when the Legal Right and Title is ſo far from being diſputed, that it is evidently acknowledged. But whether the Doctor will believe that Author or no: This I have to ſay, that whatever Settlement there was in the Reigns of the three *Henries* it was *ſub ratione juris* upon the ſuppoſition of Right. *Hen.* 4. claimed the Crown upon pretence of a Legal Right, and he was admitted on that pretence; and there is a great difference, between ſuppoſing a Legal Title, and upon that ſuppoſition owning and ſubmitting to it; and when there is not the leaſt pretence, nay when the Legal Title (as in the Doctor's Hypotheſis) is plainly own'd not to be in the poſſeſſor. After *Edward* 4. had reigned nine years, and was then forced to fly out of his Kingdom; and *Hen.* 6. was again poſſeſs'd of the Throne: His Poſſeſſion tho own'd by a Parliament was not a Settlement; and for this reaſon, becauſe there was a viſible and apparent Right in *Edward* 4. againſt him and that Right actually proſecuted; and it is plain the Nation thought ſo, when the very acts of Parliament made in the time of that Poſſeſſion, were declared void *ab initio* and ras'd out of the Records. But indeed according to the Doctor's Doctrine, *Hen.* 6. had God's Authority, and *Edward* had loſt it; and moreover that the Parliament that depos'd *Hen.* 6. in behalf of the Right Heir, ſet up a Humane againſt a Divine Right, and were every jot as unjuſt, rebellious, and unrighteous, for depoſing *Henry*, as the Parliament was that depos'd *Richard* 2. which would look as ſtrange in Engliſh Law and Hiſtory, as the Doctor's Hypotheſis does in Divinity.

3. The Doctor *conſiders what I make neceſſary to a thorough Settlement of ſuch Powers as begin by Uſurpation and Rebellion*. And that is in ſhort, 'A Right to the Government, 'acquired by the Death or Ceſſion of the 'Perſon in whom the Right was, as 'was the Caſe in this Chapter, the va-'riations of Government, the four Mo-'narchies, and the Kings of *Babylon* 'over the *Jews*. And by Preſcription which is the poſſeſſion of a 100 years,

P. 6. Anſw. p. 19. 27.

as

as I learnt from Biſhop *Buckeridge*, ſo *that* (ſays he) *to make a Legal Settlement of a Government illegally begun, the Rightful Prince, and all his Heirs muſt die, or reſign, or the Uſurper, and his Heirs muſt Reign about an* 100 *years*. Now this buſineſs of Preſcription by an *hundred years* Poſſeſſion, the Doctor perhaps may think it ſounds well, and it may be he has ſomething to ſay to it, and that may be the reaſon he repeats it ſo often in his Book. And I ſhall once for all give him this Anſwer; That indeed, I quoted Biſhop *Buckeridge*, and he quoted *Gregory Tholoſanus*, and perhaps the Biſhop was of his mind. But all that I ſaid was that a Right is acquir'd by *Preſcription*, without determining how many years went to make a Preſcription; whether 60 or an hundred, or the memory of man; it is all one to me, and makes no manner of alteration in what I deliver'd. It is ſufficient that *Preſcription* makes a Legal Title: And that it does ſo we have the concurrent judgment of all Ages and all Laws, and to deny it is to affront the univerſal ſenſe and practice of mankind. And let the Doctor tell me what is the meaning and uſe of that word in the Laws and amongſt men, and he will find it means a Title by Preſcription. He ſays indeed, *That a Settlement by Preſcription, he does not well underſtand*, and what is that to me or to the Queſtion? all men elſe underſtand it, and it is declared by all Laws, and that is enough for any man to acquieſce in it, tho the Doctor does not underſtand it, or tho he may ſpin Cobwebs, and by art and ſubtlety entangle the plaineſt things. Does he think that all the Laws in the World were made by his underſtanding? or becauſe he can make ſome ſophiſtical objections againſt it; therefore we muſt forſake the ſtated Rules of Law, and tred in untrodden paths to gratifie his underſtanding.

Anſw. p. 20.

And here the Doctor hath left out part of my Anſwer; for to what the Doctor repeated about a Right to a Government, being acquired by Death, Ceſſion, or Preſcription: I added, 'Now all mankind are agreed that a 'Right to a Government by theſe ways 'may be attained, and tho the ways that 'are uſed to attain that Right, are al-'ways unjuſt (as the Conv---ion ſays 'by Ambition, Rebellion, &c.) yet 'when that Right is attained, theſe Go-'vernments reſpectively are then law-'ful Governments, and ought to be o-'beyed. — And this the Doctor takes no notice of, tho it is a reaſonable anſwer, to all his objections about Preſcription. *For if all mankind are agreed that a Right to a Government by theſe ways may be attain'd*; then little objections ſignifie nothing, fix'd and ſtated rules loſe nothing of their validity, becauſe a diſputer can embroil them by wit and artifice. He is a bold man, that will oppoſe his ſingle judgment to the World, and ſay that Preſcription does not make a Title, when all Laws ſay it does.

Anſw. p. 20.

And this likewiſe is a conſiderable reaſon for my interpretation of a *thorough Settlement*, and againſt the Doctors: For it is certainly very reaſonable to expound the Convocation, in a ſenſe that concurs with the general judgment of mankind about Government; *it is* (as the Doctor allows) agreed by all men, that a Government by what ill means ſoever attain'd, upon the acquiſition of Right is a lawful Government, and ought to be obeyed. But for Uſurpation that hath no Right, nay actually oppoſes Right; thoſe that have aſſerted obedience was due to ſuch a Government, have been ſo very few in any age, and ſo inconſiderable, that the Dr. (tho provoked to it) either cannot, or elſe is aſham'd to name them: So that if a *thorough Settlement* might be underſtood in the Doctors ſenſe, and without

out Right, yet if it might mean alſo a Settlement by the acquiſition of Right, it is plainly more reaſonable to interpret that to be the ſenſe of the Convocation; for what reaſon is there to put a ſingular ſenſe upon their words, if they will bear a received one? what reaſon is there to make them deliver a new doctrine contrary to the ſenſe of mankind, when their words may be fairly reconcil'd to a Doctrine generally receiv'd, and about which there is no controverſie: But let us hear the Doctor's Arguments againſt it He obP. 7. ſerves, 1. *That all the Convocation ſays relates to the viſible and actual alterations of Governments and Governors, and tranſlation of Kingdoms brought about by the wickedneſs of men by divine providence*, &c. *Now* (ſays he) *this is matter of fact not of Right*; and his reaſon is, *unleſs all alterations of Government are Rightful and Legal.* Now this indeed would be ſomething if the Convocation had required us to pay obedience *to all* alterations of Government: But they do it with this limitation, *when ſuch alterations are throughly ſetled*, and if they had thought *all* alterations of Government were to be obey'd, it had been impertinent to add when they are *throughly ſetled*; and I wonder, from whence he draws this Concluſion: *And therefore the Settlement of ſuch alterations is an actual not legal Settlement of them*; for ſuppoſe the alterations are matter of fact, and not of Right, does it follow therefore that the Settlement of theſe alterations, are matter of fact and not of Right too. Alterations and the Settlement of them are two very different things; for by Settlement their very nature is alter'd, and they receive a new Character, and there is Duty and Allegiance belonging to them, when there was none before. And it is abſurd and inconſequent to argue from the nature of the Alterations, to the nature of the Settlement, which puts them into a new State, and cloaths them with Authority, and gives them a Right to Homage and Subjection; now a *thorough Settlement* either alters the nature of ſuch alterations, or it does not, if not, then how comes Allegiance to be a duty, to alterations throughly ſetled, and not to theſe which are not ſo; if it does alter their nature and property, then how comes an Argument from the nature of ſuch alterations, to affect the notion of the thorough Settlement of them? The Dr. adds, *This brings the diſpute to matter of ſenſe* (His eyes I ſuppoſe) *for if ſuch alterations of Government, and tranſlation of Kingdoms may be made and ſetled without the Death, Ceſſion, &c. and Preſcription, then they are not neceſſary to the Settlement the Convocation ſpeaks of.* I ſuppoſe that which follows he intends for a Reaſon; *for there may be an actual and viſible Settlement without it, which is all that is required to an actual and viſible tranſlation of Kingdoms: And that is all the Convocation intended*; That is to ſay, you muſt believe the Doctor whether he gives any reaſon or no: For how does he prove, that there may be an actual and viſible Settlement without Right, or that Kingdoms may be tranſlated without it? I grant that the Settlement that tranſlates Kingdoms, is actual and viſible, and ſo it muſt be if it be a Settlement, but if the Doctor will give other People leave to believe their eyes as well as he. His Settlement is neither *Actual* nor *Viſible*, for it is no Settlement at all. But for all that the Doctor adds, *he who will venture to ſay that a new Prince can't be actually and viſibly ſetled in the Throne, while the old Rightful King is living and makes his claim, ſhall diſpute by himſelf for me*; now this is the whole diſpute, and 'tis juſt as if he had ſaid, if you will not grant what I magiſterially affirm, I will diſpute no longer:

A moſt

a moſt admirable and grave Concluſion.

2. The Doctor ſays, *The Convocation expreſly teaches, that the Authority, which is God's Authority, and muſt be reverenced and obeyed, when ſuch alterations are throughly ſetled is the Authority* which is unjuſtly gotten or wrung by force from the true and lawful Poſſeſſor; Well the Convocation plainly ſays ſo, and what then? *then* (ſays he) *it is plain it is not a Legal Authority by the Death or Ceſſion of the Rightful King; for we are to obey it as God's Authority, tho it be wrung by force from the true and lawful Poſſeſſor*; well ſo far is right, but he adds, *and tho the preſent Poſſeſſor ſhould have no other viſible Title to it, but ſuch unjuſt force*: But where had the Doctor theſe laſt words? They are fit enough for his purpoſe, but the Convocation hath not a word of it, nor any thing like it. They ſpeak indeed of Authority gotten and wrung *by force*, but do they ſay that that is any reaſon why it ought to be obey'd and reverenc'd? nothing like it; but only when alterations are *throughly ſetled*, and is it poſſible to believe, that by throughly ſetled they mean nothing but *force*? The Doctor himſelf does not think ſo; for he ſays, the *conſent of the People* makes a Settlement, and that is ſomething more than *force*, and therefore according to him, there muſt be ſomething elſe *viſible* beſides *force*, before it is a duty to obey ſuch alterations. And then it follows, *That the preſent Poſſeſſor muſt have ſome other viſible Title beſides ſuch unjuſt force.* But the Doctor refers us to the words of the Convocation: *The Authority either ſo unjuſtly gotten or wrung by force from the true and lawful Poſſeſſor being always God's Authority* (*and therefore receiving no impeachment by the wickedneſs of thoſe that have it*) *is ever* (*when any ſuch alterations are throughly ſetled*) *to be reverenc'd and obeyed, &c. Now* (ſays the Doctor very triumphantly) *let any man who underſtands Grammar conſtrue this otherwiſe if he can.* Now I will renounce my underſtanding in *Grammar*, if I do not conſtrue it otherwiſe than he does, and not only ſo, but plainly ſhew, that his Conſtruction is both falſe, and alſo *ungrammatical.* He ſays, *what Authority is that which muſt be obeyed and reverenced? it is* (*ſaith the Convocation*) the Authority unjuſtly gotten, or wrung by force, from the true and lawful Poſſeſſor. Very well, ſo far we are agreed, he adds, *And therefore not a new Legal Authority gained by Death, Ceſſion, or a long Preſcription*: And does the Doctor call this Grammatical Conſtruction? This is the only thing in controverſie, and he draws it from the words by inference, or conſequence, and are inferences and conſequences Grammatical Conſtructions? And what does he mean by this inference? *And therefore not a new Legal Authority*, what then? might it not be the old Legal Authority gain'd by a new Right to it; and why I wonder, might not the Right as well as the Authority be gained from the Poſſeſſor? But the Grammatical Conſtruction is directly againſt him; what Authority is that which muſt be obey'd and reverenc'd? it is (ſays the Convocation) *the Authority unjuſtly gotten or wrung by force from the true and lawful Poſſeſſor.* And what Authority is that which is wrung from the true and lawful Poſſeſſor? it is the Legal Authority; for that is what the true and lawful Poſſeſſor was poſſeſs'd of, and which only could be wrung from him. The Doctor inferrs, *and therefore not a new Legal Authority*, and much more ſure, and therefore not *a new illegal Authority*. The Doctor proceeds, *What is God's Authority which we muſt obey? it is no other than the Authority unjuſtly gotten*,

ten or wrung by force, &c. which can receive no impeachment by the wickedneſs of thoſe who have it. Thus far we are right again, he adds, *By what* wickedneſs? *Their wicked and ungodly and violent means of getting, and having it for the Convocation, ſpeaks of no other wickedneſs but the wickedneſs of Uſurpation.* And here we are got to inference again, and the only thing in controverſie is drawn from the words, and that unjuſtly. But let us ſee his Grammar; and I would gladly know, where the Doctor places the ſtreſs of this Conſtruction? whether upon the *means* of getting it, or upon the *having* it, if upon the wicked *means* his Conſtruction is true, tho not Grammatical: But that is not to his purpoſe, and no body diſputes the violent and wicked *means* of getting it, and the Authority after it is got, may be legal enough for all that. But if upon the *having* it (which is the only thing in controverſie) his Conſtruction is neither Grammatical, nor true; not Grammatical, for he conſtrues a *Subſtantive* by an *Adjective* or *Adverb*, and tranſpoſes the words; and I wonder by what Rules of Grammar: *The wickedneſs of theſe that have it*, is to be conſtrued *their wicked and ungodly having it.* He may call it Paraphraſe, or Expoſition, but he can never ſay it is Grammatical Conſtruction: And as it is not Grammatical, ſo alſo it is not true, for it is not the ſenſe of the Convocation, for they ſay nothing of the *wicked having it*, but of the wicked *means* of *getting* it they do, as more than once in this Chapter, and expreſly *their wicked attempts deteſtable in the ſight of God.* And therefore I ask, as the Doctor does, *By what wickedneſs? the wickedneſs of their attempts* to gain the Government by Rebellion and Encroachment; for this is all the *wickedneſs* the Convocation ſpeaks of, and not the wickedneſs of *Uſurpation* as the Doctor is reſolv'd to have it, tho the Convocation hath not one ſingle word of it. And if the Doctor had exactly repeated this paſſage it would plainly have appear'd; and (to uſe ſome of his own language) *he hath honeſtly cited it, but not ſo honeſtly repeated it.* He repeats it only *The Authority unjuſtly gotten or wrung*, &c. But the Convocation ſays, the Authority *ſo* unjuſtly gotten or wrung, *&c.* And what does *ſo* refer to, but the wicked means and *attempts* to gain the Government they had mentioned before? And this plainly ſhews what the Convocation meant by the *wickedneſs of thoſe that have it which is no impeachment to God's Authority*, and that is not (as the Doctor fanſies) their wicked *having* it, but their *ſo* unjuſtly *getting* it; and their *ſo* unjuſtly getting it, is their wicked *attempts* to obtain it. But *ſo* is but a ſmall word, and might eaſily be overlooked, and eſpecially when it ſpoils both the Doctors Grammar and his Argument. I hope he will hereafter forgive me a ſlip of a Particle, about which he ſo unmercifully treats me, and that without reaſon or juſtice, as we ſhall ſee hereafter. In the mean time the Doctor's *Grammar* and *Logick* together affords us theſe admirable Doctrins.

1. That God's Authority and a Divine Right, are actually annex'd to actual wickedneſs and unrighteouſneſs: For the ſtreſs of the Doctors Conſtruction lyes in their *wicked having* it, i.e. their *very being* in Power is wicked, their *very having* it is wicked and ungodly; and that is, their wickedneſs, injuſtice, and unrighteouſneſs is God's Authority.

2. That a man Poſſeſſes a thing *wickedly* which God gives him, and which is not all, but that he would poſſeſs the very ſame thing *juſtly*, if men gave it him; if upon *the Death, or Ceſſion of the Right Heir*, &c. A Prince acquires a Right,

Right, he then certainly *legally* and *juſtly* poſſeſſes the Throne; But if God only gives it him, then he *hath it wickedly*.

3. That men are bound in Conſcience to ſupport and maintain a wicked and unjuſt Poſſeſſor, ev'n in his wicked and unjuſt Poſſeſſion; and which is yet more, ev'n to the manifeſt wrong, and in direct oppoſition to the Right owner.

Theſe are Doctrines ſuited well enough to the Doctor's *Hypotheſis*; But it is no great Credit to any Notions, that they cannot be maintain'd, but by diſhonouring God, and breaking up the foundations of all Righteouſneſs and Juſtice in the world.

The Doctor tell us, *He proceeded* (in the Caſe of Allegiance) *to prove the ſame thing from other Teſtimonies of the Convocation Book*: and of the Two firſt that he mention'd he ſays, I thought fit to *take no notice of*. And it is true I did not; and the Doctor has Reaſon to thank me for it. They are theſe they teach,

Caſe of Alleg. p. 6. Vindic. p. 9 Convoc. p. 46.

that the Lord (in advancing Kings to their Thrones) is not bound to thoſe Laws which he preſcribeth others to obſerve. And therefore commanded Jehu *a Subject, to be anointed King over* Iſrael, *of purpoſe to puniſh the Sins of* Ahab *and* Jezebel. But the Doctor ſeeing that this was by Gods expreſs nomination, and therefore nothing at all to his purpoſe, he adds, *And what he did by Prophets in* Iſrael, by *an expreſs nomination of the Perſon, he does by his Providence in other Kingdoms, ſet up Kings when he ſees fit, without any regard to the Right of Succeſſion or Legal Titles. For as they tell us elſewhere,*

Convoc. p. 53.

The Lord both may and is able to overthrow any Kings or Emperors, notwithſtanding any Claim, Right, Title or Intereſt, which they can challenge, to their Countreys, Kingdoms or Empires. And can the Doctor ſay, that by theſe words the Convocation means, God's making Kings by Providence? or that they make any ſuch inference from them, that a Perſon poſſeſſed of the Throne without Right, and contrary to it, is made a King by God, and ought to be obeyed? If the Doctor can ſay this, I have done wondring at any interpretations he makes either of the Convocation Book, or of the Scripture in favour of his Hypotheſis. For the Convocation in this very place does not only not refer to God's making Kings by Providence, but is as expreſs againſt the Doctor, as any thing can be. For the Convocation, ſpeaking of, and juſtifying the facts of *Jehu* and *Ahud* in killing King *Joram* and *Eglon*, as having an expreſs warrant from God, and being made Kings by God's expreſs nomination, they immediately add, 'Both which examples '(being but in number two throughout 'the Hiſtories of all the Princes, Judges, 'and Kings either of *Judah* or *Iſrael*) 'do make it known to us, *that altho the Lord may, and is able to overthrow any Kings or Emperors, notwithſtanding any Claim, Right, Title or Intereſt, which they can challenge to their Countreys, Kingdoms, or Empires*; yet foreſeeing in his Heavenly 'Wiſdom and Divine Providence, what 'miſchief private men, under colour 'of theſe Examples, might otherwiſe 'have pretended, or attempted againſt 'their Sovereigns (as being either diſ-'contented of themſelves, or ſet into 'fury by other malitious perſons) he 'did ſo order and diſpoſe of all things 'in the Execution of theſe ſuch his extraordinary Judgments, as that there-'by it may plainly appear to any (that 'ſhould not wilfully hoodwink himſelf) never to be lawful for any perſon whatſoever, upon the pretence of 'any Revelation, Inſpiration, or Com-'mandment from his Divine Majeſty, 'either to touch the Perſon of his Sove-'reign, or to bear Arms againſt him, 'except God ſhould firſt advance the

'ſaid

'ſaid perſon from his private Eſtate, 'and make him a King or an Abſolute 'Prince to ſucceed his late Maſter, In 'his Kingdom or Principality. And what they thought of ſuch advancement with reſpect to other times, is evident in the Canon to this Chapter; where they ſay with reſpect to the ſame matter; 'Except (*which is impoſſible*) 'he ſhould firſt prove his credit, in ſo 'affirming to be equal with the Scriptures, and that men were bound as 'ſtrictly to believe him in ſaying, that 'God called and ſtirred him up to the 'perpetrating that fact, as we are bound 'to believe the Holy Ghoſt (by whoſe 'inſtinct the Scriptures were written) 'when he telleth us, that God raiſed 'up *Ahud* for a Saviour to his people.

Convoc. p. 48. And more to the ſame purpoſe, 'If 'any man ſhall affirm, that it is lawful 'for any Captain or Subject, high or 'low whoſoever, to bear Arms againſt 'their Sovereign, or to lay violent hands 'upon his Sacred Perſon, by the example of *Jehu* (notwithſtanding that 'any Prophet or Prieſt ſhould incite 'them thereunto, by Unction or any 'other means whatſoever, except firſt 'that it might plainly appear, that 'there are now any ſuch Prophets ſent 'extraordinarily from God himſelf, with 'ſufficient and ſpecial authority in that 'behalf; and that every ſuch Captain 'and Subject, ſo incited, might be aſſured, that God himſelf had in *expreſs* 'words and *by name*, required and 'commanded him ſo to do) he doth 'greatly err.

From whence theſe Two things are obvious:

1. That theſe words, *The Lord both may, and is able to overthrow Kings*, &c. *notwithſtanding any Right*, &c. plainly refer to the facts of *Ahud* and *Jehu*, and have an immediate reſpect to God's ſetting up Kings by his *expreſs nomination*, and in the Kingdom of *Iſrael* alſo, and therefore very improperly alledged to prove, that what *God did by Prophets in* Iſrael *by expreſs nomination, he does by his Providence in other Kingdoms.* For that that is the ſenſe of the Convocation, the Doctor proves, for *that they tell us elſewhere, that the Lord may and is able*, &c. And yet this very *elſewhere*, has the ſame reference with the other, and reſpects the *Kingdom of Iſrael*, and *God's expreſs nomination.* And where is the Conſequence? God by expreſs nomination made *Jehu* and *Ahud* Princes, and authorized them to kill the Kings whoſe Subjects they were before; and he may do ſo again if he pleaſe: therefore if any perſon, can by Providence get the poſſeſſion of another Princes Throne, he is a King of God's making, as much as *Jehu* or *Ahud*; and has as good authority to act as they had.

2. They limit and confine the practice upon this Doctrine, to God's expreſs Nomination. They do not mention them, either to allow or eſtabliſh a general practice upon them, but to prevent it. And it ſeems as if they deſigned to prevent that very Inference the Doctor draws from them: The Doctor infers, That therefore, whoever is poſſeſs'd of Power by Providence, hath God's Authority: And they infer the clean contrary, that notwithſtanding a ſpecial and expreſs Warrant from him is neceſſary; and granting that *the Lord may and is able to overthrow Kings*, &c. *notwithſtanding*, &c. yet no man had any Authority from him, except he was *expreſly* and *by name* appointed by him: And the Convocation is ſo far from ſubſtituting Providence in the place of Gods nomination, that in the very Caſe upon the account of which they mention theſe words, they ſay, there can be no Authority without God's expreſs warrant, and that ſuch a warrant is now *impoſſible.* So that the Doctor's Interpretation and Inference is directly contrary to that of the Convocation.

cation. And by this time I ſuppoſe the Doctor may be ſatisfied there was no ſuch need to call for an Anſwer, and to tell me, *I did not think fit to take notice of theſe Paſſages.* And I do *think fit* yet further to *take notice*, that he hath plainly alter'd the ſtate of the matter with reſpect to theſe paſſages:

Caſe of Alleg. p 6. In his *Caſe of Allegiance* he produc'd this paſſage to prove, *That what God did by his Prophets in* Iſrael, *by an expreſs nomination of the Perſon, he does by his Providence in other Kingdoms, ſet up Kings as he ſees fit, without any regard to the Right of Succeſſion, or Legal Titles.*

Vindic. p. 9. But now in his *Vindication*, we have another account: *For* (ſays he) *if they do not prove God's Sovereign Authority, to remove and pull down, the moſt Rightful Kings, and give his Authority to thoſe who have no Right, and place them in the Throne, of thoſe that have the Right, there is no ſenſe to be made of them.* And what is this to *Providence*, which is the main thing in controverſie, and for the proof of which, the Doctor cited thoſe paſſages? Suppoſe they do prove God's Sovereign Authority, to remove and pull down the moſt Rightful Kings, and give his Authority to thoſe who have no Right; Do they prove likewiſe, that a Providential poſſeſſion of the Throne, is God's giving his Authority? or that which he did by his Prophets in *Iſrael*, he does by his Providence in other Countries? God's Sovereign Authority is no Queſtion between us; The Convocation allows the Doctrine; but ſays withal, that no man (in thoſe caſes) can act upon it, without God's *expreſs* warrant.

The Doctor expreſſes this oddly, *And give his Authority to thoſe who have no Right, and place them in the Thrones of thoſe that have the Right.* If this is to be underſtood Grammatically, and which is the Doctor's Hypotheſis, That when God has given Authority and Government to a Perſon, he hath no Right to it; and when he hath taken them away, That Perſon hath ſtill the Right; This is neither the Senſe of the Convocation, nor yet Senſe. For the Convocation ſays, God may overthrow Kings, *notwithſtanding* any Right they can challenge; which intimates not the continuing, but the determining their Right; as *Joram* after God had given his Kingdom to *Jehu*, had no longer Right to it; but was (as the Convocation ſays) *Jehu*'s Subject; and there is nothing more abſurd, than to ſay, that a man hath no Right to what God gives him; and that he hath yet a Right remaining to what God takes away from him.

The Doctor goes on, *Our Author's Hypotheſis is as direct a contradiction to this, as words can make it: for if no Prince can have God's Authority, nor muſt be obeyed, unleſs he have a Legal Right; either an old Hereditary Right, or a new acquired Right, by the Death or Ceſſion*, &c. What hard ſhifts we are put to to obſcure what will not admit of a plain anſwer? What is this to the purpoſe the Doctor cited thoſe paſſages, or to the Queſtion before us? And where, I pray, did I ever ſay, that no Prince *can* have God's Authority, without ſuch Rights? No doubt he may have it, if God gives it him. And that is the only Queſtion: *Jehu* had God's Authority without theſe Rights; But then God expreſly and by name, gave it to him. Let the Doctor prove, that poſſeſſion of the Throne by Providence, is equivalent to an expreſs Nomination; or that it is a ſufficient Evidence, that God hath given ſuch a Poſſeſſor his Authority; and 'till then, all his Arguments from God's Sovereign Authority ſignifie nothing. To argue from God's power of diſpoſing Kingdoms, without Legal Right, to his actual diſpoſing them ſo; and becauſe he can give his Authority to one who P. 7.

hath no Right; therefore he that is poſſeſs'd of the Throne without Right, has that Authority, is neither Logick nor Senſe. And how inſignificant then is all this, that follows? *Then* (ſays he) *God is bound to theſe Laws in advancing Kings, which he preſcribeth to others, then he cannot ſet up any Kings or Emperors who have no juſt Right or Claim: for he cannot unmake a Rightful King, if he cannot abſolve Subjects from their Allegiance, nor make a King without a Legal Right, if he cannot give him his Authority, and tranſfer the Allegiance of Subjects to him. God can remove the man by death, but cannot unmake the King, unleſs he unmake himſelf, by reſigning his Crown: He can ſet a man upon the Throne, but cannot make him a King, without the leave of the Right Heir, under an hundred years preſcription.* And after having made me ſay all this frightful ſtuff, he adds, *Where ever our Author learnt this Doctrine, I am ſure the Convocation never taught it him.* And is not this an admirable way of diſputing, to make his Adverſary ſay what he pleaſe, and then Expoſe it! But I tell him I learnt that Doctrine, neither from the Convocation, nor from any body but himſelf. But the Doctor is ſo warm in this wild Rant, that he utterly forgets, that what he ſays, is equally againſt his own Notion and Interpretation: *The conſent of the people*, is that which (according to him) ſettles a Government, and makes it a duty to obey, and without ſuch a conſent 'tis no duty. And *cannot God ſet up Kings, without conſent of the People? then he cannot make a King: for a King without Subjects is no King: He may ſet a man upon the Throne, but cannot make him a King, without leave of the people.* And ſo the Doctor may take his Rebuke again, *wherever he learnt this Doctrine, I am ſure the Convocation never taught it him.* For they have taught over and over, that the people of all ſorts, have no intereſt in, nor any thing to do with the Government: and it ſhould ſeem, that one main end of their Book, was to confute, and ſhew the falſity of ſuch Opinions, into which, notwithſtanding the Doctor's fine Principle of the *Conſent of the People* is finally reſolv'd.

But ſuch Arguments as theſe, will prove any thing in the world: the *Papiſts* may prove all their fabulous *Legends*; God may and is able to work Miracles now, as he did by *Moſes*, the *Prophets*, and *Apoſtles*; and therefore St. *Rumbald*, and a great many other of their Saints, did all thoſe wonderful things they aſcribe to them. And the Doctor knows, ſuch things have been urged, to juſtifie very ill things, (and by men who have own'd the ſame Principles as he does) God may now give the Land to his People, as he did of old *Canaan* to the *Iſraelites*; and therefore they may cut off the *Malignants*, as a Company of curſed *Canaanites*, to poſſeſs their Eſtates. God may now give the ſame liberty he did to the *Iſraelites*, to ſpoil the *Ægyptians*; and therefore whatever we can get from the *Ægyptian* Church of *England*, is our own. I do not ſay the Doctor concludes ſo, but his Arguments do: and every one of theſe Conſequences, are as good as the Doctors. And if *Providence* comes in the place of *Prophecy*, and what God did of old by his *Prophets*, he does now by his *Providence*; and Providential Events convey the ſame Right and Authority, as God's own immediate and expreſs direction; then this is very good arguing; and the Doctor's Principles will juſtifie ſuch Practices, tho He does not.

But yet further, to ſhew the unreaſonableneſs of the Doctor's Inference, and that from God's altering Stated and Legal Rules in the Caſe of *Jehu*, and by *expreſs nomination*, nothing can be concluded in favour of a Providen-

tial

tial Poſſeſſion againſt legal Right; here are theſe two things to be obſerv'd.

1. That when God ſet up *Jehu* againſt another Right and Title (and the Caſe is the ſame of any other ſo ſet up by God) there was a clear and evident Revelation of God's Will that he had made him King, and given him his Authority, and about which there could be no doubt or ſcruple. And ſuch a clear Revelation ſeems neceſſary in all ſuch caſes. For when men are under ſacred Tyes and Obligations, from which they cannot otherwiſe be releaſed but by God himſelf (for *tho God is not tied to thoſe Rules he preſcribeth to others*, yet men are tied to thoſe Rules, the obligation of which holds them till they are diſcharged by God who is not tied himſelf, and can releaſe them that are;) it ſeems neceſſary that the Evidence of Gods Will in diſcharging them, ſhould be as clear and *certain*, as the Evidence they have that the obſerving theſe Rules is their duty; otherwiſe men depart from a *certain* duty, upon the account of an *uncertain* diſcharge from God, and may eaſily find ways to evade their neceſſary duties, eſpecially if they are clogged with difficulty, and ſecular diſadvantage. And accordingly when God ſet up *Jehu*, the manifeſtation of God's will was plain and evident, and the perſons concern'd to know it, could make no doubt of it, being reveal'd by Prophets, the ordinary and accuſtomed way of God's making his will known to them. But for Providence, eſpecially in oppoſition to Law and legal Right, being the manifeſtation of God's will in order to practice, I think I may appeal to all the world, whether any man can be as certain, that Poſſeſſion of the Throne by Providence is as evident an indication of God's Will that God hath given his Authority and the Government to him, as he is of the obligation of an Oath, and of the Duty of Alleg. to a rightful King; if not, then he releaſes himſelf from an evident Duty by a diſcharge from God leſs evident; *i. e.* he has leſs evidence of his diſcharge than he has of his duty, and that in the ballance of Conſcience is no diſcharge at all. Now it needs not be proved, that Providence is not ſo evident a Declaration of God's Will as expreſs Nomination; the Doctor himſelf owns that in all other Caſes, Providence is not *ſuch* a ſignification of God's Will. And that this Doctrine could never be eſpied before, nay that it was publickly and profeſſedly diſown'd, are no great ſigns of its evidence. And therefore there is a wide difference in the two Caſes. Upon the Nomination of *Jehu*, God's Will was made ſo evident, that all men concern'd to take notice of it, neither did nor could doubt of it: but in the caſe of the Doctor's Hypotheſis 'tis the only thing in queſtion. And not only all men elſe, but the Doctor himſelf, not only doubted of it, but believ'd the clean contrary.

2. When God ſet up a King without or contrary to a legal Right, that King was immediately inveſted with his Authority, and as the Convocation ſpeaks of *Abad*, *Independent of any but God himſelf*; he had the ſole Right to the Government, and the People were bound to ſubmit to him without any more ado, upon the account of God's Donation. But the Doctor's King, whom he ſays is of God's ſetting up too, is quite another thing; he is no King, or if he is, he has no Subjects, till the People have conſented; they are not bound to obey him upon the account of God's gift, till themſelves have conſented: And ſo for any thing that I can ſee, notwithſtanding God's ſetting up a King, the People may refuſe him, and are not bound to ſubmit to him, except themſelves pleaſe. The Doctor's King likewiſe hath not the ſole Right, for the King God hath Convoc. p. 52.

puſſed down hath his Right ſtill and may juſtly recover the Throne, if he can, which is one of the fineſt Evidences of God's giving away another Princes Crown as ever was heard of. And I wonder when the Doctor will prove, that God ever gave away any Princes Crown, when notwithſtanding he had ſtill a Right to it, and might juſtly recover it. And this I had told him before, but he takes no notice of it, altho it deſerves as much *Vindication* as any of the reſt. But ſome things will not be *vindicated* how much ſoever they need it, and it is not reaſonable to require any man to *vindicate* more than he can

Poſtſcript. p. 2.

And this I think is ſufficient to ſhew how unreaſonably the Doctor concludes from God's expreſs nomination to providence, and from God's Sovereignty in diſpoſing of Kingdoms, to providential Poſſeſſion; and all that I have further to ſay is, that I expect the Doctor in his next will call me Atheiſt, or ſome hard name, and tell me people will be tempted to ſuſpect I do not believe, or that I ridicule God's Sovereignty, becauſe I do not believe the Doctor's unreaſonable Inferences and Arguments from it, as he tells me they will be apt to ſuſpect I do not believe or that I *ridicule* Providence, becauſe I do not believe the foul conſequences he draws from it.

Vindic. p. 58.

To confirm the Doctor's Interpretation, he tells us he obſerved that the Convocation teaches, that Obedience was due to ſuch Kings as never could have any legal Right to the Government of Iſrael, as the Kings of the Moabites and Aramites, *of* Egypt *and* Babylon, *and yet ſays, that the Iſraelites knew, that it was not lawful for them of themſelves and by their own Authority to take Arms againſt the Kings whoſe Subjects they were, tho indeed they were Tyrants; and that it had not been lawful for* Ahud *to have killed King* Eglon *had he not firſt been made by God, the Judge, Prince, &c.*

Vindic. p. 10.

On the other hand (ſaith the Doctor) *our Author affirms, that all theſe Kings had a legal Right, and were legal Powers. And that it appears in all, and every one of the inſtances the Convocation gives us of Government to which they ſay Obedience is due, that thoſe Governments had ſuch a Right.* Well, this I ſaid, and I had thought I had prov'd it too, and what has the Doctor to ſay to it? He replies, *This is a bold undertaker.* And that I ſuppoſe I am to take for an Anſwer, for he ſays very little beſide to the proofs I brought for it. But let us conſider what he does ſay.

Poſtſcript. p. 3. Anſw. p. 19.

He tells us, *Our firſt Inquiry is what the Convocation thought of the Kings of the* Aramites *and* Moabites, *whether they thought them legal and rightful Kings of* Iſrael? *They* (ſaith he) *call indeed the* Iſraelites *their* Subjects *as our Author obſerves, and from thence proves that theſe Kings had a legal Power over* Iſrael. *But the miſchief is, the Convocation in expreſs words owns them to be only Kings* de facto, *to whom they were in ſubjection*; *and teaches, that if any perſon born a Subject, and affirming by all the Arguments, &c. that God had called him to murder the King* de facto *under whom he lived, &c. which* (ſays the Doctor) *is ſpoke with reference to* Ahud's *killing King* Eglon, *who it ſeems was but a King* de facto *in the judgment of the Convocation. And I ſuppoſe our Author knows what a King* de facto *ſignifies in oppoſition to a King* de jure, *one who is King without a* Legal *Right.* I anſwer yes, I do know that, but the miſchief is, the Convocation does not ſpeak of a King *de facto* in oppoſition to a King *de jure*, but barely of a King *de facto*: and I ſuppoſe the Doctor *knows*, that a King *de facto* when it is not ſpoken in oppoſition to a King *de jure*, does not mean a King without a legal Right. And this is plainly the

P. 9.

the caſe; for (1) it is barely and nakedly expreſſed without any oppoſition to a King *de jure* either mention'd or ſuppos'd.

2. The matter plainly proves that it cannot be ſpoken in *oppoſition* to a King *de jure*, which is that the King *de facto* may not be murdered by his Subjects, but if a King *de facto* was ſpoken in oppoſition to a King *de jure*, then a King *de jure* may be murdered by his Subjects.

3. The Doctor tells us, that this is ſpoken with reference to *Ahud*'s killing King *Eglon*, and therefore King *Eglon* was but a King *de facto*. But then this is a reaſon that the Convocation did not ſpeak it in oppoſition to a King *de jure*; for in the Chapter to this Canon, they ſpeak with reference to the ſame, *That the Lord may and is able to overthrow any Kings or Emperors notwithſtanding any* Claim, Right, Title *or Intereſt which they can challenge to their Countries, Kingdoms or Empires.* Theſe words were plainly ſpoken with reference to *Ahud*'s killing King *Eglon*, and the Convocation prefaces thus: Both which Examples (*i. e.* of *Jehu* and *Ahud*) do make it known to us, that although the Lord may and is able to overthrow, *&c.* And the Doctor tells us but the page before, that there is no ſenſe to be made of theſe words, If they do not prove God's ſovereign Authority to remove and pull down the *moſt* rightful Kings, *&c.* and this was ſpoken with reference to God's pulling down King *Eglon* by *Ahud*. But then *Eglon* was ſo far from being a King *de facto* in oppoſition to a King *de jure*, that he was not only a rightful King, but a *moſt* rightful King. And therefore the miſchief (the Doctor ſpeaks of) that the Convocation in *expreſs words* owns the Kings of the *Aramites* and *Moabites* to be *only* Kings *de facto*, is no other miſchief but that the Doctor contradicts himſelf, but that is no miſchief with him, otherwiſe he would not uſe it ſo often. And here we plainly ſee the Doctor's admirable dexterity in interpreting the Convocation to his own purpoſe. The Convocation ſays *King de facto* and no more, but it ſeems that would not do, and therefore the Doctor ſays, they ſay *only* King *de facto*, and *but* King *de facto*; but theſe Additions (which perfectly alter the ſenſe) are no bodies but his own, and yet it ſeems it was not enough to put them in, but he muſt tell us alſo, the Convocation in *expreſs words* owns them to be *only* Kings *de facto*, when the Convocation hath not any ſuch word, or any thing like it.

P. 9.

The Doctor proceeds, *Let us now ſee what legal Right and Title our Author hath found for the Kings of the* Aramites *and* Moabites *and* Babylonians *over* Iſrael, *and for all the four Monarchies; and that is the ſubmiſſion both of Prince and People.* Well, that is one of them, but not all, *which* (ſays the Doctor) *he ſays I grant gives a legal Right, whereas I only ſaid, that the ſubmiſſion of the Prince might be thought neceſſary to tranſfer a legal Right, which I think differs a little from granting it does ſo.* Very good, let it differ as little or as much as he pleaſe, it is nothing to me, for if he will look again he will find that I only ſaid, *the Doctor tells us that the ſubmiſſion of the Prince*, &c. And I think alſo, that ſaying he *tells us* differs a little from ſaying *he grants*. So that I think this might have been ſpared: But the Doctor had a mind to charge me with a fault, and he hath thereby ſhew'd himſelf to be only guilty of it. However I take this opportunity to tell him, that it is indifferent to me, whether or no he grants that the ſubmiſſion of the Prince and People confer a legal Right, all the world beſides grant it, and that is ſufficient for any ordinary Principle tho.

Vindic. p. 12.

Poſtſcript p. 2.

tho the Doctor ſhould not think fit to like it, nor any thing elſe tho never ſo plain, if it contradicts his Hypotheſis.

But now the Doctor tells me, *The truth is our Author is here blundered for want of clear and diſtinct Notions of what he writes, and impoſes upon himſelf and others with ambiguous terms.* This is a terrible buſineſs if the Doctor could but ſhew us where this blundering and theſe ambiguous terms were. I had told him as plain as I could ſpeak, that beſides lineal deſcent, *a Right to a Government might be acquir'd by the death or ceſſion of the right heir, joyn'd with the conſent of the People, and by Preſcription; and when ſuch a Right reſpectively was attain'd, the Government was then a legal Government.* I think this is diſtinct enough, and the Notions are clear enough: and if the Doctor would have given a direct Anſwer, he ſhould have ſhewn that either a Right to a Government by theſe ways is not attain'd, or if it be, that the Governments the Convocation ſpeaks of, and requires Obedience to, had not attain'd ſuch a Right: but inſtead of that he runs on with a company of diſtinctions about *legal*, and learnedly ſhews how many ſeveral ways Powers may be ſaid to be *legal*. And what is all that to me, and to the purpoſe? By legal Powers I underſtand what he underſtands by them, if he underſtands any thing by them, and that is legal Powers in oppoſition to uſurped Powers. Uſurped Powers are ſuch as have no Right, legal Powers are ſuch as have a Right, as well a Right acquir'd, as by lineal deſcent, and ſuch Powers by the conſent of all mankind are legal Powers, and Uſurpers the contrary. And the Doctor knows well enough this is my ſenſe, and hath quoted it too but two or three pages before: but the truth is, the Doctor is blunder'd for an Anſwer; and to avoid giving a clear and diſtinct Anſwer, falls a diſtinguiſhing to no purpoſe at all, and on pretence of truly ſtating, confounds the Queſtion, and runs from it, which is blundering with a witneſs. Has the Convocation any thing to do with his diſtinctions? When they call the Roman Governors the *lawful Magiſtrates* of the Jews, do they mean *lawful* by the law of Nature? And this I had before mentioned: and he will not directly anſwer, but hides himſelf under diſtinctions, and tells us fine things of a ſtate of nature when all men are free, and may diſpoſe of themſelves as they will, and of Conqueſt and a prevailing force, when they have the ſame liberty as in a ſtate of nature. And what is all this to a King by *Providence* and to the *Convocation book*? If the Doctor has a mind to put the matter upon that iſſue, let him give his reaſons, and I will ſubmit to them, or anſwer them. But for my part, I love to end one Controverſie before I begin another, and do not much care to be drawn from the matter in hand by impertinent Diſtinctions which are nothing to the purpoſe. Well! but the Doctor tells us, *That* Legal *(as it reſpects the Laws and Conſtitutions of a particular Nation or Kingdom) is underſtood by all men, who underſtand themſelves, in this controverſie of* Legal Powers. *This is the reaſon of the diſtinction between a King* de jure *and a King* de facto; *a King* de jure *is a rightful King by the Laws of the Land, a King* de facto *whatever Right he may have is not rightfully and lawfully poſſeſs'd of the Crown, by the Laws of Succeſſion, proper to that Kingdom. And this* (ſays he) *is all the myſtery I intended.* That is to ſay, the Doctor hath written two books to prove that a perſon who is not next Heir may be King and have God's Authority: a wonderful diſcovery! I had told him ſo over and over, and ſhew'd him in what Caſes, when a Right was acquir'd

Poſtſcript. p. 3.

Vindic. p. 6.

acquir'd by *Death*, *Ceſſion*, or *Preſcription*. But this it ſeems is *blundering*, *ambiguous*, and a man does *not underſtand* himſelf. But to ſay that the ſame thing is by the *Conſent and Submiſſion of the People*, this is very clear and diſtinct, and the Doctor underſtands himſelf, tho no body elſe except ſome Commonwealths men, are able to underſtand it. But this is nothing but ſhifting the Queſtion, and the Doctor (I'll warrant you) does not underſtand the force of my Argument; and yet he tells us here, *Let us ſee what Legal Right and Title our Author hath found for the Kings of the* Aramites *and the Moabites, and for the four Monarchies, and that is the ſubmiſſion both of Prince and People.* Very well, and why did not he give a direct Anſwer to that? Does the ſubmiſſion of the Prince and People make ſuch a Government a *legal* Government and no Uſurpation? And the next Queſtion is, Had not the *Aramites*, *Moabites*, *Babylonians*, and all the Governments the Convocation juſtifie Obedience to, *ſuch* a Conſent and Submiſſion? and if they had then they were legal Kings and not Uſurpers. Aud this was the ſubſtance of my Anſwer, and to which I had added for Confirmation, that the Convocation mentions but two Uſurpers (*Athaliah* and *Antiochus*) and juſtifies the Reſiſtance of them both. And what does the Doctor ſay to this? Why firſt of all I am a *bold Undertaker*, ſecondly 'tis *blundering and ambiguous*, and laſt of all there are ſeveral ſences of *Legal*; and if there were as many hundred *ſences* of *Legal* what is that to the purpoſe? I uſe it but in one *ſenſe*, and that is in oppoſition to *uſurpation*, and ſo all men elſe uſe it, in the diſpute between *legal* aud *uſurped* Powers, whether the Doctor thinks they underſtand themſelves or no. But here is a tender point, the Doctor cannot deny it, and yet is unwilling to own it; it would be ridiculous for a man that talks ſo much of the Conſent and Submiſſion of the *People*, to deny that the Submiſſion of the *Prince* and *People* together did not transfer a Right to the Government; and if he ſhould own it, then he muſt own likewiſe that all the Governments the Convocation require Obedience to, had acquir'd *ſuch* a Right. And therefore it was far better to make Diſtinctions and ask Queſtions to obſcure the buſineſs, than to bring the plain matter in controverſie on foot by a direct and categorical Anſwer. But the Doctor tells me *ſuch legal Rights as I have found for theſe Princes will quickly tranſubſtantiate all uſurped Powers into Legal Governments.* Not all ſure, for I expreſly limit it to the acquiſition of Right by the Death or Ceſſion of the right Heir, and by Preſcription: and if the Doctor pleaſe, I except one, and he may prove it if he can, that is a Government by the Conſent and Submiſſion of the People in oppoſition to the actual claims and pretences of an undoubted rightful King; which is as directly contrary to the Rights I have mention'd as the Doctor's thorough Settlement is to that of the Convocation. P. 10.

In anſwer to the Doctor's ſaying *that the Kings of the* Aramites *and* Moabites *could have no legal Right to the Government of* Iſrael, I had ſaid *they had a legal Right, if the Submiſſion of the Prince could transfer a legal Right, which the Doctor ſaid it might be thought to do.* Now the Doctor tells us *all the myſtery he intended* was that That could not *be according to the Conſtitution of the Jewiſh Commonwealth*, &c. And what then, Could it not be by the Submiſſion of the Governors and People? That was the thing which I aſſerted, and which the Doctor was to diſprove. P. 12.

But to this I made an Objection, *if it be ſaid that God was at that time their Sovereign, and he did not ſubmit,* 'tis Poſtſcript. P. 3.

true

true he did not, but the Text ſays expreſly that God delivered them into their hands. This the Doctor ſays made him *ſmile*, for I had *ſtarted an Objection which I knew not what to do with. And the Anſwer is as extravagant as the Objection*, for (ſays he) *he has found out ſomething which he thinks equivalent to God's Submiſſion to the* Aramites *and* Moabites, *and that is*, that God had delivered them into their hands. *What then? Did God reſign his Government of* Iſrael *into the hands of the* Aramites *and* Moabites, *and quit his Right and Claim to the Government of them?* Spectatum admiſſi. — Let the Doctor's friends ſmile as well as himſelf. Now I do not know what force there may be in *ſmiling*, but I have ſeen that uſed when men have nothing to anſwer. And whether that be the caſe I ſhall refer to the Reader. And here I ſhall do two things, 1. I ſhall vindicate the Anſwer I have given, and 2. Conſider what the Doctor offers to juſtifie the Submiſſion and Subjection of the *Iſraelites* to them.

1. To vindicate the Anſwer: And the firſt thing I have to obſerve is that there is no Incongruity in the Expreſſion (as ridiculous as the Doctor repreſents it) to ſay that God may reſign his immediate Government over a People as their political King. This was done in fact upon the ceaſing of the *Theocracy* in the Kingdom of *Judah*. Now in the preſent caſe the Text ſaith expreſly that *God delivered them into the hands of the* Moabites *and* Aramites. And what does that intimate, but that God had ſo far parted with his Immediate Government as their political King? for if God was at that time their political King, how came the *Iſraelites* to be the *Subjects* of theſe Kings? Might they tranſferr their Allegiance from God too, when he inſiſted upon his Right to govern them? But if God appointed them (for the puniſhment of their ſins) to be *Subjects* to thoſe Kings, and delivered them as ſuch into their hands, and the *Iſraelites* knew that he did ſo, it is plain that God ſo far conſented that they ſhould be their Subjects. And tho the Doctor will not allow that the preſumed *conſent* of the Prince ſignifies any thing, I hope he will not think ſo of the expreſs conſent of God. Now the Convocation plainly aſſerts that the *Iſraelites* were the *Subjects* of theſe Kings, and the Doctor's Argument proceeds upon the ſuppoſition of it. And the Queſtion is how they became ſo? Either God at that time was their political King, or he was not; if he was, Which way ſhould they become *Subjects* of another Prince?. I doubt, for all his laughing, it will puzzle the Doctor to give another account of it. If God was not their political King, then thoſe in whom the Right of the Government was, together with the People, had ſubmitted, and had thereby made the Governments of the *Aramites* and *Moabites* over them *Legal Governments*. But of this more preſently.

2. To conſider what the Doctor hath found out to juſtifie the Submiſſion of the *Iſraelites* and their becoming Subjects to theſe things. And here we are got into a field of *Diſtinctions* and nothing at all to the purpoſe. And the Doctor will *grant Legal Powers may be underſtood in a larger Notion, and that may be ſaid to be legal which is agreeable to the Laws of Nature and Nations, and Submiſſion may make a legal King of him who according to the Laws of the Land can be only King* de facto. And this he tells us is *worth conſidering*, and then goes on. *In a ſtate of Nature wherein we muſt ſuppoſe all men free from any Government but that of Parents, and ſo might give up the Government of themſelves to whom they pleaſed*, &c. But what is this to the purpoſe? Was that the Caſe of the People of *Iſrael* whom God

God himſelf had framed into a Commonwealth? and eſpecially at ſuch times when he was their political King? But (ſays he) *If we fall into a ſtate of* p. 13. *Nature and Liberty again, or ſomething like it, as in the caſe of a new prevailing force, when Prince and People are conquer'd, for then the Government is at an end, and they are as much at liberty to ſubmit to a conquering Prince, as they were in the ſtate of Nature.* Now this is perfectly a new Queſtion, and I ſee no reaſon to meddle with it; but if the Doctor is weary of his Hypotheſis as he hath laid it, and will quit it as not defenſible, and will fix the controverſie upon this bottom, he ſhall hear what I have to ſay to it. But the Doctor (I ſuppoſe thinking it not much to the purpoſe) hath himſelf enlarg'd this point. And with reſpect to *private Subjects*, he ſays, *When upon a violent change of Government they are as much under the force and power of a new Prince, or a new Government as they could be under a conquering Prince, Force will juſtifie Submiſſion, and then it is the ſame thing from what quarter the force comes.* And agreeable to this he ſays, p. 14. *in matters of Government it is an unalterable Right of Nature to ſubmit to Force.*

And this is that which he gives as a Reaſon to juſtifie the Submiſſion of the *Iſraelites* to the *Aramites* and *Moabites*; for it follows, *All men will grant that no humane Laws and Conſtitutions are ſo ſacred as the poſitive Laws of God; that Government and Polity which God himſelf preſcribed to the Children of* Iſrael, *which they were religiouſly bound to obſerve by vertue of their Covenant with God, which certainly was as ſacred as any oath. Now thoſe Laws did not admit of the Authority and Government of Strangers, but expreſly forbad it, that had they choſe to be governed by any foreign Prince, they had greatly ſinned in it; but this very Law, as ſacred as it was, gave way to neceſſity; and when they were conquer'd by the* Aramites *or* Moabites, *or any other Nation, it was no fault to ſubmit to them. And if force would juſtifie this in the* Iſraelites *who had God for their King, and were oblig'd by their Covenant with him to accept of no foreign Prince to govern them, it is hard if it will not juſtifie the Subjects of humane Governments (moſt of which were at firſt founded in mere force, whatever their Oaths and Obligations be to ſubmit to a new and greater force.* This is the Doctors ſtate of the matter, and I ſhall conſider it immediately.

For the Doctor ſays, *This gives a ſufficient Anſwer to what our Author adds in the place laſt quoted,* That God's being King of *Iſrael* 'would be an Argu- Poſtſcript p. 3.
'ment againſt their ſubmiſſion; for the
'Doctor tells us, that where God entails
'the Crown, the People were not to ſub-
'mit to any Uſurper if the right Heir was
'alive, and therefore much more where
'God himſelf was their King, and
'then ſure they might lawfully reſiſt
'thoſe Kings, whoſe Subjects they
'were not nor could be, and they
'needed no eſpecial direction to de-
'ſtroy the Uſurpers, as *Ahud* did King
'*Eglon*, but they might, nay they were
'bound to do it, as *Jehoiada* ſlew
'*Athaliah*; for I hope God's entail is
'not of greater force than his own
'immediate Government. So that ei-
'ther their Submiſſion transferr'd a
'legal Right, or their Submiſſion was
'a ſin.

To this the Doctor replies, *This* Vindic.
looks like ſomething very deep, but it is p. 15.
ſo very a nothing, that *I cannot deviſe what he would be at:* that is, becauſe the Doctor has nothing to ſay to it. For now he comes to another of his ſhifts; juſt before inſtead of giving a direct Anſwer he brings a company of impertinent Diſtinctions to blind the buſineſs, and in the miſt drops the Queſtion, and now inſtead of anſwering one Queſtion, falls to asking I know not how many. *Would he prove that God was not the King of* Iſrael

 againſt

against the Scriptures? or would he prove that the Iſraelites *ought not to have ſubmitted to the* Moabites, *and have had all their Throats cut? or would he prove againſt the Convocation that they were not the Subjects of King* Eglon? No, no, neither ſo, nor ſo? And what now if after all this buſtle the Doctor knew well enough what I would be at: if not, what does he mean by that which he ſays immediately before theſe words, *And this* (i. e. what he had ſaid before) *gives a ſufficient Anſwer to what our Author adds in the place laſt quoted.* Well, the Doctor has the beſt faculty at anſwering that ever was heard of; he can anſwer and give a *ſufficient* anſwer too, to he does not know what. I perceive underſtanding a Queſtion, and anſwering it, are two things; as for the underſtanding what the Author would prove by theſe Words, the Doctor does not know *whether the Author underſtands that himſelf*, and why ſhould the Doctor underſtand another mans proofs better than himſelf. But then for anſwering let the Doctor alone, he can give a ſufficient Anſwer to it, let who will underſtand it. Well, I do not diſpute whether he underſtands it or no, but I am ſure he hath not anſwer'd it at all, much leſs ſufficiently anſwer'd it; and to gratifie him, I ſhall tell him what I meant by it, and if it does not ſtare him full in the face, I never ſaw the like on't. The Doctor had found out a curious diſtinction of Entails by God himſelf and Entails by Providence (the main pillar of his Book, and if it fails his whole Book fails with it) by vertue of which he would perſuade us that *nothing can juſtifie Submiſſion to an uſurper* when the Kings Son was found, to whom the Kingdom did belong by a divine Entail; and *Subjects are bound* to adhere to their Prince of God's chuſing, when he is known, and to proſecute all Uſurpers to the utmoſt, and never *ſubmit to their Government.* But in other Kingdoms where God makes Kings and entails the Crown by Providence, the placing a Prince in the Throne, and ſetling him there in the full Adminiſtration of the Government, is a Reaſon to ſubmit to him as *to Gods Ordinance and Miniſter*; with reference to this I ſaid as above, and I think the conſequence is plain enough, tho the Doctor will not underſtand it, if nothing would juſtifie the Submiſſion to an Uſurper, when the Right Heir was alive and known, where God entails the Crown, then much more ſo where God himſelf was their King; and I would fain ſee a Reaſon why God's Entail ſhould be of more force to oblige them to proſecute all Uſurpers to the utmoſt, and never ſubmit to them, than his own immediate Government. This I think is as clear againſt the uſe the Doctor makes of this Diſtinction as any thing can be, and all his little ſhifts of the heir *being known*, of *anointing* him, and of his *actual Poſſeſſion* will ſignifie nothing here, with reſpect to God's immediate Government. But this the Doctor did not underſtand, and therefore would give no Anſwer to it. But any man that conſiders the Anſwer he hath given will be apt to ſuſpect that he did not only underſtand it, but underſtand alſo that there was no fence for it, for it hath made him perfectly alter the ſtate of the Queſtion, and utterly forſake his diſtinction; for he now tells us roundly, they may ſubmit, *i. e.* becomes Subjects to force, That *while the Iſraelites were under no foreign force, but had liberty to live by their own Laws, they were bound to make him their Prince on whom God had entail'd the Crown; while they were under force, they might do as they could, and ſubmit to the Conqueror, which Submiſſion could not give theſe uſurpers a legal Right according to the Laws and Conſtitutions of the Jewiſh Commonwealth; but according to the Laws*

Vindic. p.

Caſe of Allegi. p. 31.

of

of nature, which allow ſubmiſſion to a Conqueror, it did. Very well; then pray what becomes of *Nothing can juſtifie the Submiſſion to an uſurper when the Kings ſon was found*, and *Subjects are bound to adhere to their Prince of God's chuſing, when known, and to proſecute all uſurpers to the utmoſt, and never ſubmit to their Government.* I had thought that *nothing* and *never* would have excluded *Force* as well as any thing elſe, and I thought likewiſe that *ſubmitting* to Uſurpers, *had not been proſecuting them to the utmoſt, and never ſubmitting to their Government*; and I deſire the Doctor in his next to ſhew me how to reconcile them.

But to leave the Doctor to reconcile his Contradictions as well as he can, let us a little conſider his new ſtate, the ſum of which is, *That Force will juſtifie Submiſſion from what quarter ſoever it comes; that in matters of Government it is an unalterable Right of Nature to ſubmit to force; that Force juſtified the Submiſſion of the* Iſraelites *tho they had God for their King, and tho they were oblig'd by their Covenant with him not to accept ſuch Kings to govern them*; and that by parity of reaſon, it *will juſtifie the Subjects of humane Governments whatever their Oaths and Obligations be.* Now from hence I have theſe things to obſerve.

1. That this is nothing to his *Hypotheſis*; for what is ſubmitting to force to a providential King, and God's Authority? Is all Force God's Authority? and may it claim a divine Right to Obedience? *&c.* This therefore is a new Hypotheſis ſet up to anſwer Objections, which were made againſt the old one, and which that would not do. But if poſſible, 'tis more extravagant and dangerous than that: for,

2. This makes *Force* the ſupreme Rule of Right and Wrong, of Good and Evil: it impowers men to joyn with, and become Parties to what they know to be wrong, and to reſiſt to the uttermoſt what they know to be right. It cancels and diſſolves the moſt ſacred Obligations, and warrants the entring into other Obligations in direct oppoſition and contradiction to what they ſtand in the moſt holy and ſolemn manner bound to God and Man. For by *Submiſſion to Force* the Doctor does not mean a paſſive Submiſſion (which no body diſputes) but an active concurrence and conjunction with it, to own and ſupport it, to become Subjects to it, and ſwear an Oath of Alleg. to defend it againſt all men. Now this is the ſingle Queſtion, Will all the Force in the world juſtifie the maintaining and defending it againſt Right? The Doctor hath an inſtance, *If we happen to fall into the hands of Thieves and Robbers, where the Government can't protect us, we may very innocently for our own preſervation promiſe and ſwear to them ſuch things as are againſt the Laws of the Land, and which it would be unlawful for us to do in other circumſtances.* Very well! But may we by vertue of being under ſuch force, and for our own preſervation, ſwear to joyn our ſelves to them to uphold and ſupport them to our Power, to ſecure to them their unjuſt gotten Goods againſt the Pretences and Proſecutions of the right owner, and to aſſiſt them to get more. Theſe things I doubt, Force and Self-preſervation will not juſtifie. And therefore the Caſe of the *Iſraelites* under the *Aramites* and *Moabites*, does not come up to the Queſtion. Whoſe Rights did they oppoſe? What Injury did they do to a third Perſon? and What hinder'd but they might make a dedition of themſelves? There was neither Oaths, nor Claims, nor Tides in their way to hinder them: and what Force would juſtifie in them it will juſtifie in any man or in any Nation beſides. But the Doctor ſays this *was againſt a poſitive Law of God, the Government and Polity of Iſrael, which they were religiouſly bound to obſerve by* p. 13.

p. 14.

vertue of their Covenant with God, which was as ſacred as any oath. And how does he prove this? *Theſe Laws did not admit of the Government and Authority of Strangers, but expreſly forbid it.* But that I think is a miſtake; There is a Law indeed that obliged them *not to ſet a Stranger over them.* But that I think was a temporary Law, and had an immediate reſpect to the change of their Government, when they were to have a King like other Nations, and did not reſpect the times before nor after; for the Text ſays they ſhall ſet him King over them *whom the Lord thy God ſhall chooſe*, which reſpects God's expreſs Nomination: and the plain meaning ſeems to be, When they ſhould come to deſire a King like other Nations, and the ſtate of their Government ſhould be chang'd, they ſhould take ſuch a King as God ſhould appoint, and one of their Brethren. But ſuppoſe this was a ſtanding Law, it makes no difference as to the preſent matter; for what if by their Laws they could not chooſe a King that was a Foreigner, might they not therefore ſubmit to ſuch a King, when there is no wrong done? The truth is, by that Law they were oblig'd not to chooſe a King at all, but to take him whom the Lord ſhall chooſe. They had no more to do to ſet up one of their Brethren, than they had to ſet up a Foreigner. The Doctor would limit this Law to Strangers only, and ſays, *Had they choſe to be governed by any foreign Prince, they had greatly ſinned in it*, whereas it was the very ſame with reſpect of their Brethren; and had they of themſelves choſe one of their Brethren to govern them, as in the caſe of *Gideon*, they had likewiſe greatly ſinned. So that the plain intention of that Law was to forbid them making a King of their own heads; and the mention of their Brethren ſeems either to prevent their hankering after the Kings of the Nations, or to ſhew that God intended to ſet over them a King of their own Brethren; but does not at all concern their Submiſſion to other Princes, either when they had no King (as was the Caſe of the *Iſraelites* under the *Aramites* and *Moabites*) or when their own King of God's ſetting up had himſelf ſubmitted to foreign Force, when it was lawful for them ſo to do: and the Doctor himſelf tells us, *The Jews were not forbid by the* ſtanding Law of the Kingdom *to ſubmit to* Athaliah *while ſhe was poſſeſs'd of the Throne, and* Joaſh *conceal'd.* And I wonder where is the conſequence? God forbids them to chuſe a King of their own heads. therefore they muſt not ſubmit to another Prince when they have no King, or when the King of God's chuſing hath himſelf ſubmitted. It had been a little more pertinent to the Doctor's purpoſe, if he could but have prov'd it, to have urged, that when God had given them a King, and they were under an Uſurper, That Force would have juſtified their deſerting their King of Gods chooſing, and engaging to maintain and defend the poſſeſſion of the Uſurper againſt him. The Doctor adds, *If Force would juſtifie this in the* Iſraelites, *who had God for their King, and were oblig'd by their Covenant with him, to accept of no foreign Prince to govern them.* Now this I take to be ſtrange Doctrine: for as the Doctor hath ſtated the matter with reſpect to the Submiſſion of the *Iſraelites*, it contains this admirable Propoſition, That Force will diſengage Men from their Covenant with God, and juſtifie them to *covenant* directly and expreſly againſt it. For if by vertue of their Covenant with God they were oblig'd to accept of no foreign Prince to govern them, yet when they were under the power of ſuch a Prince, they might covenant with him to ſtand by him and maintain him againſt all Oppoſers (which is the import of ſwearing to him, and becoming

Deut. 17. 15.

Vindic. p. 53.

becoming his Subjects) then by virtue of force they may make new Covenants of themſelves, in direct oppoſition to the Covenant they ſtand in to God. And ſo I perceive, that the Covenants God makes with his People, are no better than Oaths of Allegiance; the Dr. in the next Page asks me a curious Queſtion, *would he prove that the* Iſraelites *ought not to have ſubmitted to the* Moabites, *but have had all their throats cut by a vain oppoſition?* No by no means ſure! let them firſt break their Covenant with God, and a thouſand Oaths rather than have *their Throats cut.*

3. This makes the Drs. diſtinction of Divine Entails and Humane Entails of Crowns vain and frivolous; and in truth no diſtinction at all upon the account for which he uſeth it. For if men may become Subjects to force notwithſtanding one Entail, as well as the other where is the difference? what the Dr. ſays here with reſpect to Gods Entail, is the very ſame as to Humane Entails, P. 15. *while the* Iſraelites *were under no foreign force, but had liberty to live by their own Laws, they were bound to make him their Prince, on whom God had entail'd the Crown.* And this it ſeems is the utmoſt of the buſineſs, and then what do Divine Entails ſignifie more than humane Entails? The Dr. P. 41. owns over and over, that Subjects under no force are alſo bound to make him their Prince, on whom the Laws of the Land have entail'd the Crown: So that for any thing I can ſee men are oblig'd to, and diſoblig'd from both upon the ſame reaſon, for without force, both are oblig'd, and force diſſolves the obligation let the Entails be made by whom they will, the Dr. ſays expreſly in ſuch a Caſe, *no entail tho made by* Vindic. *God himſelf could bind them.* And that p. 27. I think is as much as the Dr. himſelf can ſay of a *Humane Entail.*

3. This is irreconcilable with the Doctors Argument, of the depoſing *Athaliah* and ſetting up *Joaſh*, and indeed if this Doctrine be true, 'tis impoſſible to give any juſtifiable account of it. Was not *Jehoiada* and the Subjects of *Judah* under *force* all the ſix years of *Athaliah*'s Uſurpation? if not, what can be ſaid for *Jehoiada* and the reſt, for not doing their duty when they were at liberty, and as the Doctor ſays, *were bound to make him their King on whom God entail'd the Crown*, if they were under force, then they might become Subjects to her, (and the Doctor intimates that they did and ought to be juſtified in it) and might ſwear to her, and tye themſelves as faſt as ſhe pleaſed; for the Doctor ſays in Caſes of force, God's entail did not bind them. But then how came they, and (as the Doctor ſays) upon the account of that entail too, to ſet up *Joaſh* and ſlay *Athaliah*? why truely, I doubt that is not a fair Queſtion, and the Doctor cannot anſwer it without contradicting himſelf again. And this he does as plain as words can do it; for he tells us, The *manifeſt difference between Kings ſet up by Divine Providence, in the King-* Vindic. *doms of* Judah *and* Iſrael, *ſubject to a* p. 35. *Divine nomination and entail, and Kings ſet up by Divine Providence in other Kingdoms: The firſt may be and are depos'd, when ever God nominates a new King, or the Right Heir appears; tho they had all the Rights and Settlement of the Regal Power before.* But then what becomes of force, or how does that take off the binding power of God's entails, if aſſoon as the Right Heir appear, ſuch a Perſon who poſſeſs'd by force is depos'd, and as the Doctor ſays, *ſinks* into the ſtate of a Subject. Why truely here is a very P. 30. pretty buſineſs, firſt *force* makes the *Divine entail* not binding, and then the *Divine Entail* makes *force* not binding, and ſo they alternately vacate each other, according as the Dr. hath occaſion. But

to

to do the Doctor Right, he is here a little more conſiſtent, and he likes *force* a little better than to part with it ſo, for
P. 27. he tells us, *Gods entails always oblig'd the Jews when they had* power enough *to take the King on whom God had entail'd the Crown, which was evidently their Caſe when* Jehoiada *anointed* Joaſh, *and ſlew* Athaliah, *but when they were under* force (*as under the* Babylonians, &c.) *no entail tho made by God himſelf could bind them*, ſo that *force* is the buſineſs ſtill, and then the changes run thus, *force* on the ſide of *Uſurpation* makes Gods Entail not binding, and *force* on the ſide of *Gods Entail* makes Uſurpation not binding. And ſo the People either have, or they have not obligations to *God's Entail*, or to *Uſurpation* according as they have power; if they are not able to fight with him, and kill him the Uſurper is their King, and they are his Subjects, but if they are, then the Right Heir by God's Entail is their King, and they are no bodies Subjects but his. An admirable Scheme of Government and Obedience; Men may talk what they will of Divine Entails, and Covenants with God, and Rights, and Conſcience; but 'tis all but words, for *force* is the *ſum Total*, and Government is nothing elſe. It makes it a duty to obey the Covenant with God, and it makes it lawful to break it, it makes Divine Entails binding, and it makes them ceaſe to bind. And it ſeems this Brutal Principle of force is the Rule of the World, and of Conſcience too, and *Laws*, and *Oaths*, *Entails* and *Covenants with God* vary their obligation, and either bind or not bind, either bind for, or againſt them, as they are back'd with power, and according to the variation of *Force*.

Vindic. p. 17. The Doctor proceeds and tells us, *that all that can be ſaid he thinks is, that by ſubmiſſion which gives a Legal Right, I mean the ſubmiſſion and acknowledgment of theſe in whom the Right is*: Well, I do mean ſo, but that Anſw. p. is not all I mean, for I ſay joyn'd with the conſent and ſubmiſſion of the People; and therefore, I except againſt the Doctors interpretation, that is to ſay, *the ſubmiſſion of the People does not give a Legal Right, but the ſubmiſſion of the King does*; whereas I had joyn'd them both together.

In anſwer to this, as the Doctor calls it, he has five Queſtions to ask, and it might be enough to obſerve here, that he does not deny it, nor do any nor all of his Queſtions imply a denial of it, the matter is plain before him; does ſuch a ſubmiſſion and acknowledgment of Prince and People give a Legal Right, or does it not? if it does, 'tis as much as I contend for, if not let him diſprove it. And this would bring the matter into cloſe diſpute, but the Doctor did not care for that; he found where the ſhooe pinch'd, and ſaw he could not deny it, and if he own'd it, then he muſt have prov'd, that theſe Governments to which the Convocation ſay Obedience is due, had not ſuch a ſubmiſſion, which he could not do neither; and therefore inſtead of giving a direct anſwer, he leads his reader about, and through a maze of Queſtions, to cloud and cover the defect of a plain and pertinent Anſwer. And in truth to lead us quite beſide the Queſtion, as we ſhall ſee in conſidering the particulars; The plain Queſtion between us, is, whether the ſubmiſſion of the Prince and People gives a Legal Right? To which the Doctor Anſwers.

1. *In the firſt place I deſire to know what ſubmiſſion of the King that is, that gives a* Legal Right? That is to ſay, the Doctor deſires to make a new Queſtion of it; for whether ſubmiſſion does give a Right, and what that ſubmiſſion is that does it are different Queſtions; ſuppoſe men ſhould differ in opinion, as to the nature, degrees, or forms

forms of ſuch ſubmiſſion; does it therefore follow, that ſubmiſſion it ſelf does not give a Right, becauſe all men are not ſatisfied as to the kind or degree of ſubmiſſion; this is an odd ſort of arguing to deny the thing, becauſe we are not agreed about the *Modus*. But ſince the Doctor is for asking of Queſtions, he will give me leave to ask him one; He ſays, that the *ſubmiſſion of the People gives a Right to Obedience, tho not a Legal Right*, and I deſire to know what ſubmiſſion of the People that is that gives ſuch a Right? is it a formal Recognition by the States and Repreſentatives? why poſſibly that may do ſomething where there are ſuch States and Repreſentatives: But what ſubmiſſion is that where are none, as there were not in the Eaſtern Countries (and about which is the preſent Queſtion) I ſuppoſe a Parliament was not call'd in *Judæa*, nor the *Sanhedrim* neither (if there were then any ſuch Conſtitution) to make a formal ſurrender of themſelves to *Nebuchadnezzar*, nor yet afterwards to the *Romans*. The Doctor inſiſts much upon the ſubmiſſion of *Jaddus*, and (if it were true) what Convention of the People was there repreſenting the Nation that formally ſubmitted to *Alexander*? *Jaddus* himſelf and the Prieſts, and perhaps theſe at *Jeruſalem*; and what is all this to the great Body of the Nation? which the Doctor makes neceſſary to a Settlement, why truely nothing at all of this, and what then is that ſubmiſſion of the People, that gives a Right to obedience? even a tacit ſubmiſſion under force. And methinks a man that is ſo very eaſie to his own Principles, as to admit of any thing that makes for them, ſhould not preſently fall of asking Queſtions, what is that ſubmiſſion of the King, as if it was hard to be found, and eſpecially, when he has made it as eaſie as poſſible; and I would fain know if ſubmiſſion of the People under force gives a Right to obedience, why ſubmiſſion of the Prince under the ſame force does not give a Legal Right? what need is there of any formal Reſignation of the Princes, more than there is of a formal ſubmiſſion of the People. A conſent certainly is ſufficient; and the Doctor hath told us in reſpect of the People, and I do not know any Reaſon, but it is the ſame in reſpect of the Prince. *For it is a voluntary conſent tho extorted by force as all* Moraliſts *allow ſuch a mixt choice and election to be.* And ſo the Doctor hath anſwered his own Queſtion: I confeſs there is a great deal more in this Queſtion, and which needs not now be inſiſted on; Lawyers and Caſuiſts have pretty clearly determin'd this point, but I ſee no neceſſity yet of diving any farther into it. For there is no diſpute that claiming and inſiſting upon Right is no ſubmiſſion. The Doctor indeed talks a little odly of it, as we ſhall ſee preſently; in the mean time he asks again, *is ſwearing Allegiance a ſubmiſſion and acknowledgment?* I anſwer, yes ſure, or elſe it is very hard to know what it is: But then the Doctor hath an objection to this, *what became then of the Right of the Houſe of* York, *when the Duke of* York *ſwore Allegiance to* Henry IV. (Henry VI. *it ſhould be*) He is got into *the unreaſonableneſs of a new ſeparation* (A Book heretofore deſpiſed by him for the weakneſs of its reaſoning) But when does he mean, the Duke of *York*'s ſwearing before, or at the agreement between him and *Hen.* 6. if before it did not prejudice his Right, for he had then no viſible Right, but was in the quality and condition of a Subject, and ſo acted, and ſo ought to act; and when his Title came on foot, the Title to the Crown was diſputable, and he put in his claim, and made the Parliament Judges, and till his Title was clear'd by thoſe he appeal'd to, he was in the quality of a Subject; and the duties of a Subject were incumbent on him;

Vindic. p. 17.

Vindic. p. 13.

him; if after, or at the agreement it did prejudice his Right so far as the agreement extended, and he had so far parted with his Right, and had made himself by his voluntary act K. *Henry*'s Subject, and ow'd him Allegiance during his life, and K. *Henry* had so far a Legal Title.

The next is a very pretty Question, *Is yielding to force, and power, quitting the administration of the Government, and leaving the Throne, tho with an intention to recover it again, when he can a submission? If it be, does not a King so far submit when he leaves his Country, without any Legal Authority of Government, and leaves his People in the hands of a prevailing Prince?* These are shrewd Questions, and if the Doctor had pleas'd, he might have ask'd whether the Duke of *Savoy* had not submitted to the *French* King, when he is actually at war with him, for the recovery of his Right? he might as well have asked whether flying from an Enemy, or fighting with him, be not submitting to him? And therefore, in answer I shall only tell him, that 'tis every jot as good a submission, as the Doctor's notion of a Settlement is a Settlement, *i. e.* 'tis none at all. *But* (says he) *if nothing be* a submission, but renouncing his Right, and making *a formal resignation and conveyance of power*; that is, I suppose, under hand and seal, and before sufficient witnesses. But what now, if nothing of that be necessary? what if a virtual Resignation be sufficient? When the King of *Spain* treated with the united Provinces as a Sovereign State; all the World were satisfied, that that was a Cession; and so is the submitting to be a Subject, or other equivalent acts, tho there be no formal conveyance of Power. And now the Doctor *desires to know how the Author will prove, that the* Israelites thus *submitted to the* Aramites, Moabites, *or* Babylonians. I tell him, I will not prove that they made a formal Resignation. And there is no need to prove the other, for they actually became their Subjects; nay, the Doctor says, *what other submission they made but a bare yielding to force and power*; and that proves it too, for he tells us, *that is a voluntary consent, tho extorted by force, as all Moralists allow such a mixt choice and election to be.* Vindic. p. 13.

2. The next main Question the Doctor asks is, *Can the submission of the King give a Legal Right to the Crown, without the submission of the People?* I had told him no, but both together, and what then; *if not* (says he) *it seems the People may have some Right, if not to the Government, yet to give away the Government of themselves.* Some Right? no doubt of it, the Prince cannot give the Government of the People to whom he please without their own consent? and therefore what? The People may give it away without his consent? that I think will hardly follow; the People have some Right, but have they all? and to be sure they can give away no more Right than they have; and what is their Right, they have a Right not to be dispos'd of to any Prince besides their own, without their own consent. But have they any Right to throw off their own King and take another? yes, says he, *if the consent and submission of a People can make a King when they have none, why can it not do so, when they are under a new force and power, which is the same state, as if they had no King?* that is because when they are free, and have no King, they may make one; therefore when they are not free, and when they have a King, they may make another King. This is a pure consequence, the reason why they may make a King when they have none, is because the power is then in them, and they may delegate it, or dispose it as they please, or they may take it themselves; but

but the Queſtion is, whether they can give it when they have it not; and the being under force is a pretty odd reaſon that they have it: But ſaith he, *it is the ſame ſtate, as if they had no King*; not quite the *ſame ſtate* ſure, for if they had no King the Sovereign Power was in them, and then they might give it away, becauſe they would give away no more than their own.

3. His next Queſtion is, *Can't every Private man, or any City or Garriſon, when they are over-powered and cannot be relieved by their Prince, ſubmit for themſelves to the Conqueror, without the ſubmiſſion of their Kings?* I pray mark the conſequence, and therefore the ſubmiſſion of the Prince and People does not give a Legal Right; for that was the thing the Doctor was to prove here; but inſtead of that, he asks another Queſtion, *do they not by ſuch ſubmiſſion, according to the Laws of Nations, become the Subjects of the Conqueror till they are retaken?* Now theſe the Doctor takes for granted, and proceeds upon it, and draws a concluſion from thence, that therefore a whole Nation may do ſo, but for all that there is nothing more extravagant, and no man believes it. Does a private man when he is taken Priſoner, or a Garriſon of men when they are overpowered and taken, forthwith become the Subjects to the Conqueror? all the World knows the contrary when a Garriſon is taken, the Walls and Bulwarks are the Conquerors; but the men are his Priſoners, and not his Subjects. But it ſeems according to the Dr. Men are taken like Beaſts, nay like the wildeſt ſort (*feræ naturæ*) the property follows the Poſſeſſion: But every Soldier can teach him a better Doctrine; In the Wars heretofore, and even in thoſe now in the World, how few inſtances are theſe of the Subjects of one Prince (I except Soldiers of fortune not Subjects) who when taken Priſoners have liſted themſelves, and taken pay under the enemy, and actually fought againſt their own King and Maſter. Some ſuch Renegadoes there have been; but they have always been branded with Infamy, and if retaken are ſure to pay for it: for to treat ſuch perfidious violators of their Faith and Honour, as the worſt of enemies, has been the practice of all Princes and all Nations. And yet the Dr. in this caſe appeals to the Law of Nations; by which, he tells us before, he means general practice and uſage: I am content to let that decide the point; and if a Soldier changing ſides (upon his being taken) and taking pay under the enemy againſt his own King, be in the eſtimate of the World perfidious to a high degree, and a man of no honour; then the Doctor's Principles (maintaining he may do ſo) are neither Principles of Honour, nor Conſcience.

4. He has another Queſtion, *Has a Nation no right when the King is gone, to preſerve themſelves by making the beſt terms they can with the new powers?* yes, no doubt the beſt terms they can honeſtly. But where is the conſequence again, and therefore the ſubmiſſion of the Prince and People cannot give a Legal Right; he tells us his Queſtions are in anſwer to that.

5. His next is a very pleaſant Queſtion, *For what will our Author ſay to the ſubmiſſion of* Jaddus *and the* Jews *to* Alexander, *while* Darius *was living.* Now the Dr. knows well enough, I have ſaid more to it than he hath anſwer'd, or than he will anſwer in haſt; and he tells us, he will not engage in the Quarrel, but aſſigns me over to a more learned anſwerer, and yet asks me what I will ſay to it. This is extraordinary, and I muſt confeſs a very dextrous way of anſwering. But however, what relates to the caſe of *Jaddus* I ſhall examine it altogether, and when I come to conſider the *Vindicator* of *Joſephus*, I ſhall not forget what the Dr. offers in

that caſe, that the *Vindicator* does not mention, and that is but very little.

The next thing is the Caſe of *Joaſh* and *Athaliah*, the ſtory of which in the Convocation the Dr repeats at large, and thither I refer the Reader, not thinking it neceſſary to tranſcribe it.

Anſw. p. 17. My Argument from thence, which the Dr. cites truely was this; 'It is plain 'the Convocation does not conceive, 'that the injoyment of the Crown with 'all its dignities, *&c.* is that thorough 'Settlement to which is due ſubjection 'and obedience as to God's Authority. '*Athaliah* perſonally injoyed the Crown 'with all its dignities, *&c.* and all places 'of truſt and power, *&c.* were in her 'hands and at her diſpoſal (which was the very account the Author I diſputed againſt had given of a thorough Settlement) 'and this for no leſs a time 'than ſix years, and in as full and ample a manner, as any Uſurper or any 'Rightful King ever injoy'd them; but 'for all that the Convocation is ſo far 'from urging obedience to her, as to 'God's Authority, that they expreſly 'juſtifie the reſiſting, nay the ſlaying 'her. And this is a clear demonſtration, 'that by a thorough Settlement, the 'Convocation does not mean a full poſſeſſion of power meerly, for they ſay 'when a Government is fully ſetled, it 'ought to be obey'd as God's Authority, not only for fear, but alſo for Conſcience ſake; but they ſay alſo, that 'when *Athaliah* was fully poſſeſſed, She 'ought not to be obey'd, but to be reſiſted and ſlain: And the concluſion 'from theſe premiſes is, that to be fully 'poſſeſſed of the Throne, is not of it 'ſelf to be ſo throughly ſetled as to 'make it God's Authority, and obedience to become a duty.

p. 22. To this the Dr. anſwers: *Now it were ſufficient to obſerve here, that he has not given the true notion of a full and ſetled poſſeſſion.* That is, I had not ſaid that *Athaliah* was ſetled on the Throne, according to the Convocations ſenſe of a Settlement, and I wonder how I ſhould, when I had expreſly aſſerted the contrary, and the deſign of the Argument is to prove it; but for all that the Dr. is reſolv'd to make me ſay it, whether I will or no; and accordingly he goes to prove againſt me, *that the Convocation ſays not one word of the thorough Settlement of* Athaliah *in the Throne, but if we may learn the ſenſe of the Convocation (as this Author concludes we may) from Biſhop* Buckeridge, *they did not think her ſetled in the Throne*; very Right, and did not I ſay ſo? And I thought I had given a good reaſon for it. But then I wonder what makes the Dr. ſay, *thus his whole Argument is loſt*, that is, it is loſt, becauſe the Dr. hath prov'd it. But I doubt his Argument is loſt, for he aſſerts, *that the Poſſeſſion of the Throne, and the ſubmiſſion of the People makes a thorough Settlement.* And tho I do not ſay, that the People of *Judah* ſubmitted (in ſuch a ſenſe as to become Subjects) to *Athaliah*; yet the Dr. ſays it, and ſays they ought to be *juſtified in it.* But then, if notwithſtanding *Athaliahs* Poſſeſſion of the Throne, and the Peoples ſubmiſſion to her; The Convocation ſays not a word of her thorough Settlement, nor did think her ſetled on the Throne: It is as plain as the Sun, that by a *thorough Settlement*; they did not mean the Poſſeſſion of the Throne, and the ſubmiſſion of the People; for according to the Dr. *Athaliah* had both, and yet the Convocation did not think her ſetled; and therefore there muſt be ſomething elſe go to a thorough Settlement, and the Dr. may try his skill, if he can find any thing beſides the *acquiſition of Right*. And thus the Drs. *Argument is loſt*, if to have it perfectly confuted from his own words, is to have it loſt. But no matter for that, let the Drs. Argument ſuffer never ſo much by it, he

he will have me ſay, that *Athaliah* was throughly ſetled, and makes me believe he does me a great kindneſs to admit it, for ſays he, *to gratifie our Author, let us ſuppoſe the Convocation did own* Athaliah *to have been as throughly ſetled in the Throne*; and a little after he tells me, I *will ſuppoſe, that* Athaliah *was throughly ſetled in the Throne*; whereas I ſuppoſe and prove the clean contrary, and if to ſuppoſe that *Athaliah was not* throughly ſetled, be to ſuppoſe She *was* throughly ſetled, then I do ſuppoſe it, but the Dr. I thank him, has a mind to make me to contradict my ſelf, as faſt as he contradicts himſelf.

36.

But the Dr. gives a reaſon, why I have not given the true notion of a full and ſetled Poſſeſſion, for (ſaith he) he *hath left out the principal part of it, as I ſtate it, when the Eſtates of the Realm, and the great body of the Nation has ſubmitted to ſuch a Prince.* Now it is true I have left it out, and how ſhould the Dr. expect I ſhould do otherwiſe; for he knows I do not believe that is the true notion of a Settlement; and I do not believe that the Dr. can prove that it is: But I ſuppoſe the Dr. means, that becauſe I ſaid that *Athaliah* was fully poſſeſſed of the Throne, and did not ſay likewiſe, that the Eſtates of the Realm and the great Body of the Nation ſubmitted to her; therefore my Argument does not affect him. And what the Convocation ſays of depoſing and ſlaying *Athaliah*, does not relate to a ſetled Government; except it appears, that according to the Drs. notion of it, the Eſtates of the Realm, &c. had ſubmitted to her; and therefore a ſetled Government may have God's Authority, and ought to be obey'd, tho *Athaliah* had not God's Authority and might be depos'd, becauſe ſhe was not ſetled according to the Drs. account, by the ſubmiſſion of the Eſtates of the Realm, &c. This I take to be his meaning, tho he has not expreſs'd it; but I know I muſt be careful of giving his meaning, leaſt he be angry, and tell me again, he *will anſwer for none of my ſenſes.* And therefore if this be not his ſenſe, I deſire him in his next to tell me what is, for I can make no other ſenſe of it; But methinks a man that is ſo very humourſom and touchy, ſhould be careful to deliver his ſenſe a little plainer, and not leave men to gueſs, and to make it out for him. But if that be his ſenſe, then I make this Anſwer. Vindic. p. 71.

1. I do own, that the People of *Judah* (at leaſt the more conſcientious part of them) did not ſubmit to *Athaliah* ſo as to become her Subjects, and Parties to her Government. But I do believe notwithſtanding, that a great part of them, and perhaps the greateſt did ſide with her and abet her. For it is plain, that She had a Party enough to maintain her Government, and thoſe that would not own it were not able to oppoſe her. Had *Jehoiada* been ſtrong enough, I think there is no doubt but he would have depoſed her, and eſtabliſhed *Joaſh* long before. But at the end of ſix years, he had a great acceſſion to his Party (which probably he had at that time been preparing and working them into a ſenſe of their duty to their lawful King) and there can hardly be given any other account, why he permitted the Uſurpation ſo long; for if the mere ſhewing the King would have done it, and have turned the hearts of the People, *that* might as well have been done ſome years before: and the Kingdom have been ſet upon the Right bottom, and the miſchiefs of continued Uſurpation have been prevented. But it is no wonder, that power and intereſt ſhould prevail againſt Duty and Conſcience. Men in thoſe days as well as others might have their Principles corrupted, and their morals poyſoned, what Arguments they had to juſtifie themſelves by, does not appear (the Drs. two Books would have ſtored

them with abundance) but a little Argument with a great Intereſt, will go a great way. And it is plain, it was ſix years before they came to a ſenſe of their duty; and there is little doubt to be made, but *Jehoiada* travail'd all that time with them, to reduce them: and probably upon juſt Conviction, they deſerted the Uſurper, and joyn'd themſelves to *Jehoiada*.

But the Queſtion is not, What they did, but what they ought to have done: That a great part of the Kingdom did ſubmit to her, I think there is no diſpute; and it is as little, that a great many did not: and the Queſtion is, Who of theſe, according to the Principles of the Convocation, ought to be juſtified, and who ought to be condemn'd.

2. The Dr. himſelf aſſerts, they did ſubmit; and ſo *Athaliah* was ſetled according to his Notion of a Settlement; and then my Argument affects him.

3. The Queſtion is not, What is the Drs. Notion, but what is the Convocation's Notion of a Settlement? and I readily grant, that according to that, *Athaliah* was not ſetled; nor that they thought ſhe was: But the Reaſon is, becauſe ſhe was an Uſurper, and the Right Heir of the Kingdom was alive, and not becauſe the People had not ſubmitted. For, if they did ſubmit (as the Dr. ſays they did) that made no alteration in the Caſe; they were bound notwithſtanding to return to their Lawful King, and to Depoſe the Uſurper, whether they had, or not ſubmitted. And the truth is, there is ſcarcely any thing the Convocation more obviates, than the Notion of *Peoples Conſent* contributing any thing to the Government, or to their own Duty. They expreſs it, *Civil Power, Juriſdiction*, &c. *deduced*

P. 3. *by their Conſents* —— *depend upon*
P. 8. *their Conſents* — *did receive any ſuch*
P. 28. *vertue and ſtrength from the people.*

Now 't is true, theſe are ſpoken with reference to Lawful Governments. But then I would fain ſee a good Reaſon, why the Peoples Submiſſion and Conſent, which ſignifies nothing with reſpect to Lawful Governments, and their Duty to them, ſhould ſignifie ſo very much againſt the Lawful Government; or if the *Peoples Conſent* does not make Allegiance a Duty to Lawful Governments, how comes it to make it a Duty to Uſurpation, in oppoſition to Lawful Governments?

4. Altho the Dr. here tells us, that the Principal part of a Settlement, is the Submiſſion of the Eſtates, and the great Body of the Nation, as he does alſo in his Caſe of Allegiance; yet when he comes to prove this, he himſelf hath left this Principal part quite out: for the Anſwerer had ſaid, that Settlement is a Term of Law, and in the notion of it denoted a Rightful and Peaceable Poſſeſſion; and in Reply to this, the Dr. Vindic. tells us, that when the Convocation p. 5, 6. ſpeaks of the Settlement of Powers which are againſt Law, *it muſt be underſtood of the Settlement of Poſſeſſion, and the obvious Expoſition of Settlement, in ſuch caſes is a Settlement of Poſſeſſion*: And afterward, *All the Con-* P. 7, 8. *vocation ſays, relates to the viſible and actual alterations of Government and Governors, which is matter of fact; and therefore the Settlement of ſuch alterations, is an Actual, not a Legal Settlement: And this brings the diſpute to matter of Senſe, and an Actual and Viſible Settlement, is all that is requir'd to an Actual and Viſible Tranſlation of Kingdoms.* But where is the Drs. *Principal Part* all this while, of the Submiſſion of the Eſtates, &c.? Every Uſurper that is in the Poſſeſſion of the Throne, and Actually governs, has this Settlement of Poſſeſſion, and this Actual and Viſible Settlement; and if Senſe muſt judge, and Matter of Fact, without any further inquiry,

inquiry, then every man that governs, is ſetled; for there is Poſſeſſion, and there is the Actual and Viſible Adminiſtration of Governme t; and *Athaliah* was as throughly ſetled, as *Solomon*; and *Cromwell*, as King *Charles*. And ſo the Doctor hath loſt his *Principal Part*. And tho he talks abundance of the Submiſſion of the Eſtates, &c. yet never undertakes to prove, that that is imply'd in the Notion of a Settlement; and I ſuppoſe there is very good Reaſon for it; becauſe he cannot: and I deſire, he would ſhew me but one good Reaſon, why *ſuch* Submiſſion does enter into the Notion of a Settlement. Let that Settlement be *Legal*, *Actual*, or *Viſible*, or what he pleaſe; But of this more hereafter.

Caſe of Alleg. p. 34, 35. Vindic. p. 24.

To the Caſe of *Joaſh* and *Athaliah*, the Dr. gave Two Anſwers: He calls them now *Two Accounts*: *And this I gave Two Accounts of in my Caſe of Allegiance*: and in truth, he may call them any thing, rather than *Anſwers*. And he hath now quitted one of them himſelf, tho he will not ſeem to do it: ſo if he pleaſe, he may call one his *Account*, and the other his *Anſwer*.

ndic. 5, 6.

7, 8.

This (his Anſwer to the Caſe of *Joaſh* and *Athaliah*) he ſays, *our Author anſwers with great triumph*. Now I know what the Dr. means by *triumph*, when he charges me with it; and that is not any inſolence or immodeſty of expreſſion; but giving a clear and diſtinct Anſwer. Had my Anſwer been lame or impertinent, he could have born it well enough; and I might have been admitted to ſpeak with humility and meekneſs; but when it touches the weakneſs of his Arguments and Reaſoning, 'tis Triumphant and Saucy, and not to be indur'd.

P. 1. He tells me for Reply, *He muſt begin with my Anſwer to his Second*. Now it may be remembred, what a complaint there was *of altering his method and order, and which had more of art, than honeſty in it*. And here he does it himſelf, and will neither obſerve his own Order and Method, nor mine; and what has this in it? I am ſure it has more *Art* than *Ingenuity*; for it is for nothing elſe, but to blind the defect of the Firſt Anſwer; which in truth he plainly gives up, tho he will not own it. And to ſhew the Art of it, I ſhall repeat them in order.

The Drs Firſt Anſwer is, *That all this Story amounts to, is no more than this, that when the Legal and Righteful Heir is Actually Poſſeſs'd of the Throne, Subjects may return to their Allegiance, and by the Authority of their King, proſecute the Uſurper*: My Anſwer was, 'The Story amounts 'to a great deal more; and that is, that 'Subjects may ſet the Rightful Heir on 'the Throne, although it be in the Actual Poſſeſſion of the Uſurper; for ſo *Jehoiada* and the People did—— The Dr. replys, *It is true it does ſignifie ſomething more, with reference to* Joaſh; *but I had regard only to the Caſe of* Athaliah. What does he mean by this? How ſhould he regard *only* the Caſe of *Athaliah* excluſive of *Joaſh*, eſpecially when he makes the whole ſtreſs of the Anſwer, to lye *in the Legal and Righteful Heir's being Actually poſſeſs'd of the Throne?* But the Dr. it ſeems, had ſo much *regard* to the Uſurper, that he never regarded the Subjects return to their Allegiance. But let him mean what he pleaſe by it, any thing, or nothing, it is all one: for if Subjects may ſet the Rightful Heir on the Throne, when it is in the Poſſeſſion of the Uſurper, it is as much as my Anſwer drove at; and if he yields that, he may regard the Caſe of *Athaliah* as much as he pleaſe. But, ſays he, *It does not ſignifie ſo generally as he puts it*: And I pray mark his Reaſon, *But it ſignifies only this, that Subjects by the expreſs Command and*

Vindic. p. 24. Poſtſcr. p. 4.

and Authority of God (*as the Convocation teaches*) *may place the Rightful Prince on the Throne, tho poſſeſs'd by an Uſurper*: *i. e.* as he ſays afterwards, *where God himſelf hath made the Entail.* And that is, he perfectly abandons his firſt Anſwer, and flyes to his Second, *It was a peculiar Caſe, for God himſelf had entail'd*, &c.

In like manner, in the Firſt Anſwer, the Dr. ſays, *for* Joaſh *was firſt anointed and proclaim'd, before any one ſtirred a finger againſt* Athaliah. My Anſwer was, 'Is the Dr. ſure *Joaſh* was 'actually poſſeſſed of the Throne? He 'was Anointed indeed; but is A-'nointing Actual Poſſeſſion, *&c.*? 'But however, who anointed, and who 'proclaimed him? and who put him 'in poſſeſſion? Why truly, no body 'elſe but his own Subjects, and thoſe 'very men that had lived ſix years un-'der the Uſurper. And then I per-'ceive, that Subjects may ſtand by the 'Rightful Heir againſt an Uſurper, 'tho poſſeſs'd of the Throne for ſome 'years. But then where is that Fide-'lity, Allegiance, and Obedience, that 'the Doctor ſays, we are bound to pay 'to Uſurped Powers? To this the Dr. replyes, *Surely juſt where it was before in the Convocation Book, and in the Scriptures.* But I doubt that; but I can tell him where it is: It is in Dr. *Sherlock's Caſe of Allegiance*, and in his *Vindication of that Caſe*; but neither in the Convocation Book, nor in the Scriptures, nor in any other approved Author. But now to the purpoſe: But (ſaith the Dr.) *This was an Exempt Caſe, upon account of the Divine Entail.* And that is the Second Anſwer ſtill.

The Dr. proceeds in the Firſt Anſwer, *now this is a very different Caſe from raiſing Rebellion againſt a Prince who is in Poſſeſſion of the Throne, to reſtore an Ejected Prince.* My Anſwer was, 'Was not *Athaliah* in Poſ-'ſeſſion of the Throne, when *Jehoiada* 'anointed *Joaſh*? ——— The Doctor replys, *I anſwer as I have before done; ſhe was in the Actual and Viſible Poſſeſſion of the Throne, but againſt a Divine Entail.*

I had further anſwer'd, 'That the 'Queſtion is concerning Allegiance to 'an Uſurper in the poſſeſſion of the 'Throne; and as to that, there is no 'difference; for thoſe pay as little Al-'legiance to an Uſurper, who anoint a 'King and then depoſe him, as thoſe 'who do it to reſtore an ejected one: 'and I would fain know, what diffe-'rence there is (as to Allegiance to 'an Uſurper) between anointing a 'new King, and upon his Authority de-'poſing an Uſurper, and doing the 'ſame thing upon the Authority of one 'already anointed. The Doctor re-plyes, *I grant there is no difference, where it is the duty of Subjects either to anoint a new King, or to reſtore an old anointed King; but this is a duty only, where the Uſurpation is againſt God's Entail.*

So that here is nothing but the Second Anſwer over and over again; but the firſt Anſwer is perfectly loſt, and the Doctor cannot maintain it, and has nothing to ſay for it; and he might have ſaid ſo, and there had been an end; but to quit it in the plain field, and yet to pretend to ſtand to it, to give nothing in Reply, but the Second Anſwer and yet dreſs it up, as if it had been the Firſt, ſavors more of Artifice, then Ingenuity or Reaſon. A little Ingenuity would have ſaved us both ſome pains. But ſome men, when they find fault with themſelves, and when it is for their turn, can be contented to own themſelves fallible, and are not *aſham'd to own that they are ſtill learners*; but if any man elſe diſcovers their miſtakes, they cannot abide to own them, but will ſhift and double, and turn and wind any way,

way, rather than acknowledge a miſtake.

But has the Doctor nothing at all to ſay for his Firſt Anſwer? Yes truly (to do him Right) he has ſomething to ſay, but it is next to nothing; and he had e'en as good have let it paſs, in all points, and aſſign'd the whole buſineſs over to the Second Anſwer, as he hath done in every thing beſides.

All that he ſays, is this: In the Firſt Anſwer to confirm what he ſaid, that all that they amounted to, was, that when the Legal and Rightful King is poſſeſs'd, Subjects may return to their Allegiance: *For* (ſays he) Joaſh *was firſt anointed and proclaimed, before any one ſtirred a finger againſt* Athaliah. To this I anſwer'd, 'Is the Doctor ſure, that *Joaſh* was actually 'poſſeſs'd of the Throne? He was 'anointed indeed, but is anointing, 'actual poſſeſſion? And it will not be 'eaſie to prove it, according to the 'Doctor's notion of Poſſeſſion, of 'having the whole adminiſtration of affairs, and all the Authority of the 'Kingdom in his hands. To this he replies, *The Convocation affirms, that King* Joaſh *was in poſſeſſion of his Crown before* Athaliah *was ſlain.*

Vindic. p. 30.

And he further tells us, 'That the 'Convocation thought it very conſiderable, that the Princes, Levites, and 'People, yielded ſubjection to their 'lawful King; and having ſo done, and 'their King being in Poſſeſſion of the 'Throne, joyned together for the overthrowing *Athaliah* the Uſurper, if 'the Convocation had not thought that 'there was ſome difference between 'killing *Athaliah, before* or *after* the 'anointing of *Joaſh*, they would not 'have laid ſo much ſtreſs upon the 'time, when ſhe was ſlain. And '(*ſaith he*) I wonder our Author 'ſhould perceive no difference: for 'tho it had been the ſame thing to *A*-'*thaliah*, whether ſhe had been killed 'before or *after* the anointing of *Jo*-'*aſh*, yet it greatly alter'd the nature 'of the fact; and that upon two ac-'counts; both with reſpect to the 'Authority, whereby it was done, 'and the Character of the Perſon 'who ſuffered. The Convocation 'will not allow a private man to kill a 'King *de facto*; and that was the Caſe 'of the Jews during *Athaliah*'s Reign, 'before *Joaſh*'s Title was Recogniz'd, 'and he anointed, and placed on the 'Throne; but when this was done, 'they had the viſible and actual Au-'thority of their King to ſlay the Uſur-'per. *And after*, 'Thus whatever 'Authority *Athaliah* had before, when 'Joaſh was anointed, ſhe ſunk into the 'ſtate of a Subject, and then to kill her, 'was not to kill a Queen *de facto*, but 'a Subject, who had been an Uſurper, 'but now was a Subject again; and 'therefore no Fidelity or Allegiance was 'due to her. Is not this pure Doctrine from a Church of *England*-Man? As if in an Hereditary Monarchy (and one that was ſo by Divine Entail too, which the Doctor lays ſo much ſtreſs upon) the King could have no Authority to perform the Acts of Government till he was Anointed, and Crown'd, and his Title Recogniz'd by his Subjects. We are hard put to it ſure, when we muſt gather up the very dregs of the Common-wealth Principles, to ſupport our Hypotheſis. At this rate *Athaliah* had hard fortune; for if ſhe had come a little ſooner, and before the Ceremony of Anointing had been over, ſhe had ſav'd her Life and her Authority too; and her crying out *Treaſon, Treaſon*, had been the true ſtate of the Caſe, and they had all been Traytors, in violating the Allegiance and Fidelity they ow'd to her: for the Doctor tells us, that before the Recognition and Anointing, the Jews were private men, and had no Authority; and that 'till then ſhe was

Queen

Queen *de facto*, and was not ſunk into a Subject; and that Fidelity and Allegiance was due to her: And I ſuppoſe, had ſhe come time enough, by vertue of that Allegiance they ow'd her, ſhe might have commanded them not to have depoſed her; at leaſt, not to have ſlain her: nay, according to the Doctor, they could not do it; for they had no Authority, and ſhe was their Queen. Now, if the Doctor will anſwer me one Queſtion, I will thank him. Did the Subjects of *Judah* owe Allegiance to *Athaliah*, till ſuch time as *Joaſh* was actually poſſeſs'd of the Throne, *i. e.* according to the Doctor, 'till he was actually anointed, then I deſire to know, how he came to be anointed by *her* Subjects, for that was not an act of Fidelity and Allegiance to her, but a contradiction to it: But if they did not owe her Allegiance, 'till he was anointed, then (as the Doctor phraſeth it) ſhe was ſunk into the ſtate of a Subject before *Joaſh* was anointed. And her Character was loſt before (if ever ſhe had any to loſe, for that the Doctor has not yet proved:)— And I believe if the Doctor looks again, he will find, that their anointing *Joaſh*, was an Evidence that they were his Subjects before, and not as he tells us, that they might return to their Allegiance when he was actually poſſeſs'd of the Throne, *i. e.* in his ſenſe, when he was anointed; for their very anointing him, plainly ſhew'd they were his Subjects, and ſo own'd themſelves before: and the Convocation is as expreſs as can be. *They altogether by a Covenant, acknowledged their Allegiance unto him, as unto their Lawful King, and ſo diſpoſe of things, as preſently after he was Crown'd and Anointed: After* what? after they acknowledg'd their Allegiance to him. So that their Allegiance did not commence from his anointing; nor ceaſe to *Athaliah* (if ever they pay'd any to her) upon his being in Actual Poſſeſſion (in the Doctor's ſenſe, and) as he would have it: and immediately it follows, *which dutiful office of Subjects being perform'd*, that is, the dutiful Office of Crowning and Anointing. This it ſeems, was the Office of them that were Subjects, and not of ſuch as by that act were to become ſo. And to this purpoſe I had anſwer'd this matter before: 'The Doctor knows well enough, that his 'Anointing and Proclaiming, did not 'make him King, but that (according 'to the Rules of Succeſſion in that 'and other Kingdoms, he was King all 'the while of *Athaliah*'s Uſurpation, 'and Allegiance was due to him, and 'upon the account of that they reſtor'd 'him. But ſaith the Doctor, *If the Convocation had not thought, that there was ſome difference between killing* Athaliah *before or after the anointing of* Joaſh, *they would not have laid ſo much ſtreſs upon the time, when ſhe was ſlain.* Now it is true, the Convocation does mention the time, and ſeem to lay ſome weight upon *Joaſh*'s being in Poſſeſſion, and not without Reaſon; this Example of *Jehoiada* (and which the Doctor obſerves) was urg'd by the Papiſts to juſtifie the Pope's Power of Depoſing Princes, and to refute this, that Chapter and Canon ſeems eſpecially to be directed. And if we conſult the Proteſtant Authors of thoſe times, we ſhall find, the moſt inſiſted on theſe Two Anſwers; the firſt reſpected the Character of the Perſon depoſed, the ſecond the Authority by which it was done. As to the Firſt, they ſay *Athaliah* was an Uſurper, and no Queen without Right and Title; and what *Jehoiada* did, any other private man might have done: But not a word of the Doctor's fine limitation of her ſinking into the ſtate of a Subject when *Joaſh* was anointed: for they never thought her otherwiſe; only they

Poſtſcr. p.

Convcc. p. 41.

Conſult B. *Robert Abbot*, de Suprem. Poteſtat. Reg. p. 32. Roſſenſis, p. 913.

they thought her a great deal worse: The Doctor indeed sprucely calls her a Queen, and is very tender as to the Point of slaying her; but they bluntly called her a Robber, and never troubled themselves about the Punctilio and Ceremony of killing her. Bishop *Robert Abbot* says roundly, *This is not to be called a deposing a Queen, who was no Queen; but the taking vengeance of a cruel Robber, and the discharge of the Allegiance of Subjects to their own King.*

Ut non hic ex auctorata Regina quæ nulla fuit, &c. p. 33.

The other Answer respects the Authority, by which she was deposed and slain. And upon this they say, that any man hath Authority to kill an Usurper. And Bishop *Buckeridge* is very

P. 923. express; *If* Athaliah *was not a true Queen, but an Usurper,* &c. *in this all are agreed, that she may be killed by any Subject; because no body is a Subject to an Enemy. Furthermore* (saith he) *the order of that management in this,* Jehoiada *shews and declares, their true, lawful, and natural King: the Princes and People accept him, and then* Jehoiada *Crowns him; and after all that, they take* Athaliah, *and slay her,* &c. And now observe what follows, *If they had first deposed* Athaliah, *and afterwards Declared and Inaugurated King* Joash (videri fortasse poterat) *perhaps it might seem, that something had been done by the Authority of the Priest, or Nobles, or People; but seeing that the true King was declar'd in the first place, and in the second place, punishment was taken of the false Queen and Usurper; those facts are known to be done by the King's Authority, and not by any Priestly Authority, or that of the Nobles, or People.* From whence 'tis plain, there is not so much stress laid upon the anointing of *Joash*, as if *Athaliah* could not have been lawfully killed before, or without it, (as the Dr. fancies) for they say any body might do it: but being done after, it was a clearer proof against the Papists, that it was done by the Authority Royal, and not Sacerdotal or Papal. And upon this account it seems, the Convocation was so punctual in reciting the order of it, that the Proof might be yet clearer against the Papists. For they urg'd, that both the Deposing and Killing *Athaliah*, and the setting up of *Joash*, was done purely upon the Authority of *Jehoiada* as High Priest; and the order of it, as being done after *Joash* was Anointed and Crown'd, was a proof without exception against them. And hereby an Objection is prevented: for if it had been done before, it might have been pretended, (as some Papists and Common-wealths men pretend, and the Dr. has given no small Countenance to it) that *Joash* was not King, and that he had no Authority, 'till he was Crown'd; and therefore it must be done by the Authority of *Jehoiada*. But it being done after, refutes all such Cavils; and therefore there was reason enough for their mentioning and insisting upon his being Crown'd before *Athaliah* was slain; tho, they might believe, that *Joash* had sufficient Authority to perform all Acts of Government, as well before, as after such Anointing and Crowning. And that they did so, is as plain as words can express it. For speaking of the Kingdom of *Judah*, this they say expressly, 'After that the Kingdom was held by Succession, the very being of the Kings Son the True Heir Apparent, after his Father's death, gave unto them all the Actual Interest, Right, and Possession (as Possession in those Cases, is to be expounded) of their several Governments, to do *any act or acts*, as well before, as after any subsequent Formalities and Ceremonies.——So that they never thought of Anointing as giving Possession, or that they were thereby

Bellarm. Convoc. p. 52.

thereby impow'red to do any Acts of Government; and the Uſurper might have been ſlain, as juſtly by the Authority of *Joaſh*, as well before, as after his Anointing.

But all this is meer trifling, and ſignifies nothing to the main Queſtion: For whether Anointing gives Poſſeſſion or no, whether *Joaſh* was in Poſſeſſion before or not, is all one in the Preſent Caſe. For if he was out of Poſſeſſion, they put him in Poſſeſſion; if Anointing was ſo material, they Anointed him; and all this from a ſenſe of their Duty and Allegiance; and ev'n when the Government was actually adminiſtred by an Uſurper. And then it follows (as I ſaid) that Allegiance is due to a Prince, tho his Throne be poſſeſſed by an Uſurper. So that let Anointing give as much Poſſeſſion as the Dr. pleaſe, and let him make what Inferences he thinks good from *Athaliah*'s being ſlain after *Joaſh*'s Anointing, I am not able to ſee what he would prove from them. And if they were granted him, he cannot from thence prove, that Allegiance is not due to a Rightful Prince diſpoſſeſs'd, or whiſe an Uſurper is upon his Throne, or that the *Jews* did not pay Allegiance to *Joaſh* before he was anointed, or at the ſame time that *Athaliah* was on his Throne.

Poſtſcr. p. 9.

But the Dr. ſtarts a new Queſtion, and that is, Whether a Private man may kill an Uſurper? and expatiates upon it, and has it in I know not how many places in his Book, tho it be nothing at all to the purpoſe: Perhaps he would have me give ſome Anſwer to that, becauſe he can diſpute about it. I can tell him, that Biſhop *Buckeridge*, and other Learned men have aſſerted it: and if he have a mind to it, he may try his faculty, and diſpute the Point againſt them. But I do not know any reaſon, to mix it in the Preſent Controverſie, which is about Submiſſion, and Swearing Allegiance to Uſurped Powers: And I think there is ſome difference between Killing, and Swearing Allegiance to an Uſurper.

I now come to his Second Anſwer, which relates to his diſtinction of God's Entailing the Kingdom of *Judah* to *David*'s Poſterity, & of other Kingdoms, where Entails are made by Providence; and to this I had given ſeveral Anſwers.

(1.) *This Diſtinction is not in the Convocation Book, and ſo does not affect their ſenſe.* To this the Dr. replies, *I grant it.* And then it ſeems, there may be a fair account given of the Depoſing and Slaying *Athaliah*, without having recourſe to the Drs. Diſtinction; for the Convocation have done that, and the Dr. grants his Diſtinction does not affect their Senſe. But then I would fain know, how it comes to affect the Caſe of *Joaſh* and *Athaliah* ſo much, that it can by no means be ſolv'd without it. I know the Dr. ſays, *he did not concern the Convocation Book in the Story.* But I think that makes no great matter: the Convocation concern'd themſelves in the ſtory; and that may do as well as if the Dr. himſelf had concern'd them in it, and very punctually declare and juſtifie *Jehoiada*'s ſetting up *Joaſh* the Rightful King, and ſlaying *Athaliah* the Uſurper. And that it ſeems may be done without the help of the Drs. Diſtinction; for that does not affect their Senſe. But ſaith he, *tho the Convocation takes notice of the Story, yet they neither make nor anſwer this Objection* (which the Dr. raiſed from the Story) *in direct terms.* But if the Objection be concerning the Anointing *Joaſh*, and the Depoſing and Slaying *Athaliah*, they had made it ſufficiently; and as for anſwering it *in direct terms*, if by that the Dr. means, they have not anſwer'd it as he hath done, it is true enough; but for all that, they have anſwer'd it *directly* enough; and the whole Chapter and Canon were deſign'd

Poſtſcr. p. 5. Vindic. p. 24.

ſign'd for an Anſwer to it. But ſtill the Dr. tells us, *they had another deſign in mentioning it, and fitted their anſwers wholy to that, That no Prieſts in the Old Teſtament, did ever Depoſe from their Crowns, any of their Kings, how wicked ſoever; or had any Authority ſo to do. And becauſe the Example of* Jehoiada *uſed to be urged by them to this purpoſe, they ſhew that no ſuch thing can be proved from it.* Very well, and ſo they do. And do they not alſo tell us, that *Jehoiada* the *High Prieſt* ſet up *Joaſh*, and ſlew *Athaliah*? and therefore *tho it cannot be proved* (as the Convocation ſays) *that any Prieſts in the Old Teſtament did ever depoſe from their Crowns any of their Kings*, yet it can be proved, that *Jehoiada* reſtor'd the Rightful King, and ſlew the Uſurper. And if the Convocation had been of the Drs. mind, and had thought that an Uſurper now might not be depoſed, and that Subjects did not owe Allegiance to a Rightful King, while his Throne was poſſeſs'd by an Uſurper, it is credible, that they would not have intimated it, to prevent the inconveniences that might ariſe from this Example. In other Caſes we ſee how very Nice and Cautious they were, and there was but reaſon. In the Caſe of *Jehu* they ſay, 'If any man ſhall affirm, that any 'Prophets, Prieſts, or other Perſons, 'having no direct and expreſs Com-'mand from God, might lawfully 'imitate the ſaid facts either of *Sa-'muel* or *Elizeus* in anointing and de-'ſigning Succeſſors to Kings, which 'otherwiſe had no Juſt Intereſt, Title, 'and Claim to their Kingdoms; or 'that it is Lawful for any Captain, or 'Subject, high or low whatſoever, to 'bear Arms againſt their Sovereign, or 'to lay violent hands upon his Sacred 'Perſon, by the Example of *Jehu* '(notwithſtanding that any Prophet or 'Prieſt ſhould incite him thereunto by 'Unction, or other means whatſoever, 'except firſt that it might appear, that 'there are *Now* any ſuch Prophets ſent 'extraordinarily from God himſelf, 'with ſufficient and ſpecial Authority 'in that behalf; and that every ſuch 'Captain and Subject ſo incited, might 'be aſſured, that God had in expreſs 'words, and by name, required and 'commanded him to do: He doth greatly err. So likewiſe they ſay, with reſpect to the fact of *Ahud* killing King *Eglon*; and of *Jehu*, 'Both which Ex-'amples (being but in number two 'throughout the Hiſtories of all the 'Princes, Judges, and Kings, either of '*Iſrael* or *Judah*) *it ſeems they thought Athaliah* was none of them, (what a Queen ſoever the Dr. hath made of her) 'do make it known to us, 'that altho the Lord may, and is able 'to overthrow any King, &c. yet fore-'ſeeing what miſchiefs private men 'under colour of thoſe Examples, 'might have pretended or attempted 'againſt their Sovereigns, he did or-'der, &c. as that it might plainly ap-'pear to any (that would not wilfully 'hoodwink himſelf) never to be lawful 'for any perſon whatſoever, upon pre-'tence of any Revelation, Inſpiration, 'or Commandment from his Divine 'Majeſty, either to touch the Perſon 'of his Sovereign, &c. And this yet more fully and largely inſiſted on in the Canon, which is level'd to prevent the drawing of that fact of *Ahud* into example; and which I beg the Reader to peruſe, and he will ſoon be ſatisfied, how wonderful careful the Convocation was, when any extraordinary Examples came in their way, and which were not to be followed in latter Ages, to prevent all miſtakes and abuſes, that might by corrupt minds be drawn from them.

Convoc. p 41.

P. 53.

Convoc. p. 47, 48.

Convoc. Can. 27. p. 54.

And now let us compare with theſe, the Caſe before us; here is a plain Example of Setting up a Rightful King,

and of Deposing and Slaying an Usurper; and that Example justified by the Convocation. Is it possible for the Dr. himself, or for any man else to believe, that if the Covocationn had thought that (*in these days*) an Usurper ought not to be deposed, or that men were not bound to pay Allegiance to the Rightful King, when his Throne is in the Possession of an Usurper, that they would not have taken the same care in this, as they do in the other Examples, and plainly and clearly have said, that the practice of *Jehoiada* and the People was not *Now* to be drawn into president; for certainly, there is not less, but a great deal more Reason, to believe, that men may think it their duty, to own Allegiance to a dispossessed King, as the People of *Judah* did, than to kill a Lawful King, as *Ahud* did; and to seek no further, such a man as Dr. *Sherlock*, being so long before he could perswade himself to the contrary, is a demonstrative Evidence of it; and consequently it required yet the greater Caution to prevent it. But instead of that, they speak laudably and commendably of it; and rather give encouragement to it, and recommend it, than otherwise. 'If any man shall 'affirm, that it was neither lawful for 'Jehoiada, and the rest of the Princes, 'Levites, and People, to have yielded 'their Subjection to their Lawful King; nor having so done, and their 'King being in Possession of his Crown, 'to have joyned together for the over-'throwing the Usurper; or that Je-'hoiada the High Priest, was not bound 'as he was a Priest (*Let the Dr. mind 'that*) both to inform the Princes, 'and People, of the Lord's Promise, 'that Joash should Reign over them, 'and likewise to Anoint him. This looks very like encouragement; and rather seems, that they intended it for an Example, than to prevent its being so; and is very differing from the method they use in the Cases before mentioned. And all that they add as Caution, hath no manner of respect to the Deposing of an Usurper, or paying Allegiance to a Rightful King, while such a one is seated in the Throne, but the contrary. 'Or (say they) that this 'fact, either of the Princes, Priests, or 'People, was to be held for a Lawful 'Warrant, for any afterward, either 'Princes, Priests, or People, to have 'Deposed any of the Kings of *Judah*, 'who *by Right of Succession* came to 'their Crowns, or to have killed them 'for any respect whatsoever; and to 'have set another in their places, ac-'cording to their own choice. But not one single word of Deposing an Usurper, or any thing like it, or of Cautioning Subjects, from paying Allegiance to their Rightful King by that Example, when an Usurper was on his Throne: And the Pretermission of it, is a clear Indication, that they thought it *Now* a duty. And I believe, no good reason can be given, why the Convocation should be so very express and particular in Cautioning against Resisting and Killing of Kings, from those other Examples; and yet give no manner of Caution against Deposing and Killing an Usurper, from this Example; except they thought *those* were not exemplary, but *this* was. And let any man consider the Method the Convocation uses, and he will certainly find, that when ever they mention any Examples, which are not to be drawn into Practice in Succeeding Ages, they plainly declare so, with all possible Industry and Caution: And their not doing so here, and especially having from this very Example caution'd against Deposing a Rightful King; it is a plain proof, that they did not think, that this Example of *Jehoiada* and the People of *Judah*, was an Example of that kind; but might so far as they justifie it, be drawn into practice. And this I think (if men

Convoc. Can. 23. p. 42.

are

are not willfully blind) is a ſufficient evidence, that the Convocation never thought that an Uſurper might not be depos'd, or that Subjects might not pay Allegiance to their Lawful King, tho his Throne was poſſeſſed by an Uſurper; or further, that by a thorough Settlement they never meant uſurped Powers, and eſpecially in oppoſition to a Rightful King.

Vindic. p. 25. *But* (ſaith the Dr.) *tho the Convocation does not anſwer a Queſtion which they never propos'd*, if the ſetting up *Joaſh* and depoſing *Athaliah* be the Queſtion, the Convocation both propos'd and anſwer'd it; *yet* (ſaith he) *this is a good anſwer to it*, i.e. the Dr. thinks ſo, but the Convocation did not, for they do not make it by his own Confeſſion. But however, he ſays, it is *agreeable to the ſenſe of the Convocation in that place, for they take notice, that* Jehoiada *when he had ſent to the Levites and chief Fathers, &c. acquainted them with the preſervation of their Prince, and that it was the Lords will that he ſhould reign over them, which plainly refers to that Divine Entail of the Crown upon* David's *Poſterity; ſo that 'tis evident the Convocation it ſelf anſwers the difficulties of this ſtory by the Divine Entail*: What difficulties are theſe? of owning their Rightful King and depoſing the Uſurper? The Dr. indeed hath made ſome difficulty of that, but the Convocation thought of none, they plainly and roundly aſſert it was lawful and their duty ſo to do? The difficulty of the High Prieſts Authority to depoſe a King they obviate, and that the Perſon depos'd was an Uſurper, and what he did was as a Subject, and not as High Prieſt; but they make no manner of difficulty, of their *yielding ſubjection to their lawful King*, and then depoſing the Uſurper: And I believe any man that attentively conſiders what the Convocation ſay in this Chapter and Canon, will find that that is the main, if not the only ground of their Anſwer, that becauſe it was lawful, and a duty for Subjects to yield their Subjection and Allegiance to their Lawful King, therefore what *Jehoiada* did in ſetting him up, and depoſing the Uſurper, was not peculiar to his office of High Prieſt, but as a duty in common to him with the reſt of the Subjects; ſo that they are ſo far from diſputing about it, or uſing any Arguments to confirm it, that they take it for granted, and proceed upon it, and ground their Anſwer upon the ſuppoſition of it. But ſays the Dr. the Convocation taking notice that Jehoiada *had acquainted them, that it was the Lords will* Joaſh *ſhould reign over them, plainly refers to that Divine Entail.* And this he undertakes to prove more fully in the next page, but to ſave him any further trouble, I ſhall readily own that when the Convocation ſpeaks of the *Lords will*, and the *Lords purpoſe*, that *Joaſh* ſhould reign, they do refer to that Entail upon *David's* Poſterity. And 'tis next to impoſſible to think they ſhould do otherwiſe, for it was by virtue of that very Entail, that *Joaſh* had a Right to the Crown, and had there been no ſuch Entail, *Joaſh* would have had no more Right than *Athaliah* her ſelf; and therefore the mentioning of it was proper and neceſſary. It was upon that account that *Joaſh* was their lawful King, and *Athaliah* was an Uſurper. And it was highly reaſonable that *Jehoiada* ſhould juſtifie his proceedings upon it. But what is this to the purpoſe, do they mention this Entail in oppoſition to humane Entails? not a word of that: And how then can he ſay, that his diſtinction and anſwer is agreeable to the ſenſe of the Convocation? For they ſpeak it in one ſenſe, and he in another, they ſpeak it without oppoſition to humane Entails, and he purely in oppoſition to them; they urge it, and ſo does

Jehoiada

Jehoiada to juſtifie his proceedings as acting according to the Rule and Standard of Right in the Kingdom of *Judah*; and the Dr. urges it, to prove the unjuſtifiableneſs of acting in the ſame manner in the like caſe in any other Country; at this rate the Dr. if he pleaſe, may prove from the Convocation, that Rebellion and Reſiſtance is lawful in other Countries tho not in *Judah*; for the Convocation refers to Gods Entail when it ſpeaks of the obedience of the *Jewiſh* Subjects; and therefore according to the Dr. Kings that are ſo by Gods Entail, muſt not be reſiſted, but Kings that are ſo by Humane Entails may: And I wonder what reaſon he can give, why the Convocation when they ſpeak of Divine Entails to juſtifie the adhering to the lawful King, and depoſing an Uſurper, is to be underſtood any more in oppoſition to Humane Entails, than when they ſpeak of the very ſame, to juſtifie the Duties of Obedience, and Non-reſiſtance; but the truth is, this is nothing elſe but ſhameleſs fallacy; and howſoever it might look in another, it is not very pardonable in Dr. *Sherlock*: All that the Dr. proves is that, the Convocation and *Jehoiada* himſelf, when they juſtifie his adhering to his Rightful King, and depoſing the Uſurper, refer to the Divine Entail, which was the foundation of the Regal Right in the Kingdom of *Judah*; and upon the account of which he was the lawful King, and the other an Uſurper. And from hence would make his Reader believe, that they taught that in other Kingdoms, where the Entails of the Crown are made by Humane Laws; the Subjects ought not to ſtand by the Rightful King, nor depoſe the Uſurper, but ſtand by him and aſſiſt him againſt the Rightful King; which is a wild and extravagant as well as a ſophiſtical concluſion; and any man but the Dr. would conclude the direct contrary; that becauſe in the Kingdom of *Judah*, the Subjects were bound to own their diſpoſſeſſed King, and aſſiſt him in the recovery of his Rights, and depoſe an Uſurper that wrongfully poſſeſſed his Throne; becauſe God by Entail had fix'd and ſetled the Crown in one Family; and by that had made the Right to the Government to be in them, therefore in other Countries, becauſe the Laws had entail'd and fix'd the Crown in a certain Family, the Subjects are bound to do the ſame to their Rightful King; For tho the Entails be differing, the Reaſon and Equity of both is the ſame; the King of *Judah* had a Right to the Government by Divine Entail, and the Kings in other Countries by Humane Entails, but they both have right, and the Laws of doing Right are eternal and immutable; however the fixing and determining that Right may be various. And I believe the Dr. is the firſt, that from hence made a negative argument, for tho there have been thoſe who have ſaid, the examples of Government and Obedience in the Scriptures do not affect us; becauſe the Polity and Conſtitution of the *Jewiſh* Commonwealth was differing, but to ſay that, becauſe the *Jews* were bound to obſerve their Laws of Government, becauſe they were appointed by God himſelf; therefore the Subjects of other Governments are not bound to obſerve the Laws of their reſpective Conſtitutions, is a ſtrein beyond the Moon, and fit only for the Dr. when he maintains paradoxes. Upon the Reſtoration of *Edw.* 4. the Parliament and Kingdom did as *Jehoiada* had done before, they had recourſe to the Laws of the Land, which were the Standard of the Right to the Crown; and they did the ſame upon the Legal Entail, as *Jehoiada* did upon the Divine Entail, they eſtabliſh'd the Rightful King and depos'd the Uſurper; and I believe it was never queſtion'd, but they acted as warrantably and juſtifiably as *Jehoiada*, tho

he

he did it by virtue of a Divine Entail, and they by virtue of a Humane Entail; but it muſt be confeſſed that the Drs. diſtinction, tho it was then known, yet the corrupt and perverſe uſe of it was never known before, 'till he hath now found it out to ſupport an Hypotheſis every way as abſurd, as the uſe he makes of this diſtinction.

I had further ſaid with reſpect to the Convocation as the Dr. obſerves, That *they do not ſpeak of this* (the diſtinctic between Divine and Humane Entails) when they call *Athaliah* an Uſurper, and juſtifie the proceedings of *Jehoiada* and the People againſt her; but the Reaſon they give is general, *The Right Heir of the Kingdom being alive, which extends to all Kingdoms that are entail'd and go by Succeſſion.* To this the Dr. replies, *that I make very bold with the Convocation, for* (ſaith he) *they do not offer to juſtifie the proceedings of* Jehoiada, *and the People againſt* Athaliah, *by ſaying that the Right Heir of the Kingdom was alive, but only prove by that She was an Uſurper, who had no Legal Right to the Throne, the Right Heir being living. But if our Author will think again; I preſume he will own that they are two very different queſtions, whether ſuch a Prince be an Uſurper, and whether he may be depoſed and murthered.* In anſwer to this I have only theſe things to obſerve.

1. That here is one point gained, and that is, that according to the Dr. The ſenſe of the Convocation is, that the Death of the Right Heir makes a *Legal* Right to the Crown to him that Poſſeſſes it; for he ſays, that they prove from the Right Heirs being living, that *Athaliah* was an Uſurper, and had no *Legal* Right to the Throne, plainly implying, that if he had been dead, ſhe had not been an Uſurper, and would have had a *Legal* Right to the Throne; and he tells us that an Uſurper is ſuch a one as hath no *Legal* Right to the Throne. And ſo the Dr. muſt grant me that a *Legal* Right may be conveyed as well by the Death, as by the Ceſſion of the Right Heir. But then all his impertinent diſtinction vaniſhes, when he talks before, of *Legal with reſpect to the Law of nature, the Law of nations, and the Laws and Conſtitutions of a particular Nation,* and (ſaith he) *in this laſt ſenſe, Legal is underſtood by all men who underſtand themſelves, in this controverſie of Legal Powers, that thoſe only are Legal Powers, who have the rightful Authority of Government, according to the Laws and Conſtitutions of the Kingdom which they govern:* Now I ſuppoſe the Dr. will take it ill if I ſhould ſay he does *not underſtand himſelf*; and therefore by *Legal* he means *Legal* according to the Conſtitutions of the Kingdom, then I hope whatever he had ſaid before, he will not now think it ſo great a *blunder* for me to aſſert that a Right to a Government, may be acquir'd by the Death or Ceſſion of the Right Heir, for we are to ſuppoſe the Dr. *underſtands himſelf, and has clear and diſtinct notions of what he writes,* tho he will not allow it to his Anſwerer, when he ſays the ſame things that he does. But then I doubt half the former part of his book will come to nothing; for I had aſſerted that all the Governments the Convocation requires and juſtifies obedience to, had acquir'd ſuch a Right; which the Dr. does not diſprove, but falls a diſtinguiſhing between the Laws of Nature, Nations, and a new Law never heard of before; the Law of force, which it ſeems does more than all other Laws, for it cancels the obligation of them all. And then tells me *upon theſe terms he may agree with me*, whereas now he hath agreed the point upon my own terms; and ſo hath confuted all that he ſaid before; for if a *Legal* Right to a Government

Vindic. p. 11.

Vindic. p. 11.

Vindic. p. 16.

by

by thoſe means may be acquir'd, if all the Governments the Convocation juſtifies obedience to, had *ſuch* a Right, if all the Governments they juſtifie the reſiſtance of, had not *ſuch* a Right, then the diſtinction is between Right and no Right, and then by a thorough Settlement, they do mean the acquiſition of a *Legal* Right, and cannot mean uſurped Powers; which (according to the Dr. himſelf) have no *Legal* Right (*if men underſtand themſelves*) tho perhaps they may have ſomething or other no body knows what, by the Laws of Nature, Nations, or Force.

2. The Dr. ſays, the Convocation does not offer to juſtifie the proceedings of *Jehoiada*, and the People againſt *Athaliah*, by ſaying, that the Right Heir of the Kingdom was alive. Now the Dr. tells me, that becauſe I had ſaid this, I make very bold with the Convocation; and I ſhall leave it with the Reader who makes more bold with the Convocation I that had ſaid they give that as a Reaſon to juſtifie the proceedings, or the Dr. who ſays they do not: In this Chapter, after having recited the Uſurpation of *Athaliah*, the preſervation of the Rightful Prince, the Subjects owning, anointing him, and depoſing and ſlaying *Athaliah*; add, 'in 'all the proceſs of which action, nothing 'was done, either by *Jehoiada* the High 'Prieſt, or by the Reſt of the Princes 'and People of *Judah* and *Benjamin*, 'which God himſelf did not require at 'their hands. And to this they add immediatly, Joaſh *their late Kings Son being then their only natural Lord and Sovereign, altho* Athaliah *kept him for ſix years from the Poſſeſſion of his Kingdom.* And if they do not give this as the reaſon of the whole, I wiſh the Dr. would tell me what they give it for. *But* (ſays the Dr.) *they only prove by this, that She was an Uſurper, who had no Legal Right to the Throne, the Right Heir being living*: Now it is certain, that this proved her an Uſurper; but did not the *Divine Entail* prove her an Uſurper alſo? that ſurely is the direct proof of it, and the ground and reaſon why the other proves it. The ſame Law that declared the Right to be in *Joaſh*, declared *Athaliahs* to be Uſurpation. And why I wonder, ſhould the Right Heirs being living any more declare, that She had no *Legal* Right to the Throne, than the Entail of the Crown did; and when his being alive, and being their natural Prince, declared it ſo only by virtue of that Entail. And I deſire the Dr. to tell me, how *Joaſh's* being alive prov'd *Athaliah* to be an Uſurper, any otherwiſe than that the Crown of *Judah* was entail'd on *David's* poſterity. But then what means this trifling nicety? why truely the Dr. was afraid leaſt his beloved Uſurpation ſhould ſuffer; And therefore adds, that *he believes I will own that they are two very different Queſtions, whether ſuch a Prince be an Uſurper, and whether he may be depoſ'd and murdered*; murdered is a very hard word, and I do not care to meddle with it; the Convocation calls it ſlaying, and I think (with the Drs. leave) there is ſome difference between ſlaying and murdering; and a little more than there is between the Right of an Heir, and the Entail that makes that Right. But to gratifie him I do own, that whether a Prince be an Uſurper, and whether he may be depoſed and ſlain are two different Queſtions; but I ſay likewiſe, that whether an Uſurper may be depoſed and ſlain when the Right Heir is living, is but one Queſtion, and ſuch a Queſtion too, as the Convocation makes no difficulty to anſwer nor any Author of note, that I have met with beſides, in any Age who as far as my reading ſerves, Civilians, Hiſtorians, Divines, have all unanimouſly aſſerted, that an Uſurper may be depoſed; and let any man conſult, *Barclay, Roſſenſis, Biſhop Abbot, Sulitiffe,*

liffe, *Widdrington*, or any other Author that anſwers *Bellarmin* with reſpect to this inſtance; and he will find that the Reaſon they all give to juſtifie *Athaliahs* depoſing, was that She was an Uſurper.

And here I ſhall renew my requeſt to the Dr. and deſire him to ſhew me any one approved Author of any Age, that ever aſſerted, that *Tyrannus ſine Titulo* might not be depos'd, or if he cannot do it himſelf, that he will requeſt that learned Pen he tells me of, that is to inform me of the ſenſe of the Primitive Chriſtians; for it is no great credit to this Doctrine, that it hath had no better Patrons than *Goodwin*, *Jenkins*, &c. and only trump'd up to ſerve the vileſt purpoſes; and from that time to this hath not had one ſingle Aſſertor, 'till it is now tranſmigrated to Dr. *Sherlock*.

I had further ſaid, that the Convocation thought of no ſuch difference, but that a thorough Settlement of a Government, (and tho attained by the ſame ill means) was the ſame thing, and had God's Authority in *Judah* as well as any other Nation; as in the inſtances of the *Babylonians*, *Macedonians*, and *Romans*, whoſe Government over the *Jews* was not attained by honeſter means than *Athaliahs*; and was as much contrary to the Entail upon *David*'s houſe, as hers, and yet they juſtifie and require obedience to them, but juſtifie the ſlaying of her; and therefore it is plain, that by a thorough Settlement they do not mean a full Poſſeſſion of Power, [*for* (what the Dr. hath left out) *Athaliah had as full Poſſeſſion of Power*] in the Kingdom of *Judah* as had the *Babylonians*, *Macedonians*, or *Romans*; nor do they reckon God's Entail upon *David*'s poſterity any ground of difference in this matter, for the Government of *Judah* by the *Babylonians*, was as much contrary to that Entail, as the Government of *Athaliah*.

Now (ſaith the Dr.) *all this is anſwer'd in one word, The Entail God made upon* David's *poſterity did always oblige the* Jews, *when they were at their own choice, and had power enough to take the King, on whom God had entail'd the Crown, which was evidently their caſe, when* Jehoiada *anointed* Joaſh *and ſlew* Athaliah; *but when they were under force* (*as they were under the* Babylonians, Macedonians, *and* Romans) *no Entail tho made by God himſelf could bind them. And then I hope it will be granted, that no Humane Entails can bind any People, who are under force, if a Divine Entail cannot do it.*

To this I anſwer, This is no anſwer to the main point; the Queſtion is whether in the ſenſe of the Convocation, a thorough Settlement (by what means ſoever attained) did not oblige the Subjects of *Judah* to obedience as much as in any other Country; and tho contrary to the Entail on *David*'s poſterity; and it is plain they thought ſo, for they urge the very ſame duties of Obedience and Non-reſiſtance to the *Babylonians* and the *Romans*, as they do to the Kings of *David*'s Family. The *Babylonians* and *Romans*, when their Government was throughly ſetled among them, their Authority was as ſacred and irreſiſtable as *Joaſh*'s, or any other of their Kings who were ſo by the Divine Entail; and let the Dr. if he can, ſhew me any one duty of Subjects, which they require as due to the Kings of *Judah* by the Divine Entail; which they do not alſo require as equally due to the *Babylonians*, and *Romans*, which is clear to a Demonſtration, that they

thought of no such difference in this matter, but that a thorough Settlement in the Kingdom of *Judah* was the same thing, and every way as valid as in any other Country. And the Inference is plain, that therefore whatever possession of Power *Athaliah* had, and whatever submission there was of the People to her (for that the Dr. is resolv'd to suppose) they did not mean that to be the thorough Settlement, which has God's Authority, and to which obedience is due; for they urge obedience and non-resistance to the *Babylonians* and *Romans*, but justifie the deposing and slaying of *Athaliah*. But to this (which is the main Question) the Dr. says not one word, and all that he says is, that *when they were at their own choice and had power, they were bound to take the King on whom God entail'd the Crown, but when they were under force, no Entail tho made by God himself could bind them.* And what is all this to the Convocation speaking of a thorough Settlement, without any respect to the difference between Divine and Humane Entails? what if the Dr. (to save a better answer) has found a difference between *choice* and *force*? The Convocation takes as little notice of this distinction, as it does of the other: But the Dr. hath an extraordinary faculty at distinguishing; when the case of *Athaliah* and *Joash* presses him, then he is for distinguishing between *Divine* and *Humane* Entails; and *Athaliah* might be depos'd and slain, because She was an Usurper against a Divine Entail, and her Government was a *nullity* when the Right Heir appear'd; when he is press'd with the instances of the *Babylonians* and *Romans*, who (according to him) were likewise Usurpers against the same Divine Entail, then he is for distinguishing between *choice* and *force*, *when they are at their own choice and have power, they are oblig'd to take the King by God's Entail, when under force God's Entail does not bind them.* So that this last distinction hath eaten up the former, and the whole matter is resolved into *force*, if they had power, then the Government of the Usurper was at an end, and a nullity; and they were bound to prosecute and depose the Usurper: But if they had not Power, the Usurpers was a very good Government, and ought to be obeyed for Conscience sake. And so we are furnished with admirable measures of Obedience and Government, if they have Power they are bound in Conscience to resist and depose, if they are under force they are bound in Conscience to submit and obey, so that either way the Rule of Conscience is not a Divine Entail, but only force. But then I wonder what the Dr. will say to that manifest difference that was between the Usurpation of *Athaliah*, and the Government of the *Babylonians* and *Romans*: They were plainly under force all the six years of *Athaliahs* Usurpation; and how came it to pass, that that would not make them Her Subjects, and her Authority as irresistable as that of the other? if force would do it, why would not *Athaliahs* force effect it as well, as *Nebuchadnezzars* or the *Roman* force? *Athaliahs force* indeed was the *force* of the Kingdom, and the *Babylonians* was a foreign force; but I suppose the Dr. does not care to make *that* a difference, and he expresly affirms the contrary, *for private Subjects, when the Prince and Government of the Nation is violently changed, and they are under force, force will justifie submission, and then it is much the same thing from what quarter the force comes.* And why then would not the force coming from *Athaliahs quarter*, do the same thing and take off the binding Power of

Vindic. p. 13.

the

the Divine Entail, as well as when it came from the *Babyloniſh quarter*? And why were not they *Athaliahs* Subjects, as well as to the Kings of *Babylon*, and her Authority as irreſiſtable? The Nation, the Laws, the Entails, were the ſame, and there was force in one Caſe as well as the other; why truly there was this difference that *Athaliah* was an Uſurper, and the Kings of *Babylon* were none. And if the Dr. can find any other difference, he would do well to ſhew it.

Well! however that be let us ſee what kind of Subjects this Doctrine makes of the *Jews* to the *Babylonians* and *Romans*. He tells us, P. 35. *Kings ſet up by providence in Kingdoms, ſubject to a Divine Entail, may be and are depoſed, whenever the Right Heir appears, though they had all the Rights and Settlement of the Regal Power before*: Now the Doctor owns that the *Babylonians* and *Romans* were ſet up by Providence over *Judah*, in a Kingdom Subject to a Divine Entail; and therefore according to this Doctrine they might be, and were depoſed upon the appearance of the Right Heir as well as *Athaliah*; I ſpeak it with the Doctor's limitation, ſuppoſing they had *power enough* to depoſe them, (for we are not to ſuppoſe the Subjects of *Judah* could do more than they had power to do) But then wherein lay that dreadful guilt of Perjury, and Rebellion of *Zedekiah* ſo ſeverely taxed and threatned in Scripture? not with reſpect to the *Rights and Settlement* of *Nebuchadnezzar*; for the Doctor tells us Kings ſet up by providence, *may be and are depoſed though they had all the Rights and Settlement of the Regal Power before*; not with reſpect to the Oath which he had taken to *Nebuchadnezzar*; for the Doctor tells us again, that *no Oath can* p. 37. *oblige againſt a Divine Entail*; and therefore it was only for the want of Power, and the dreadful account the Scripture gives us of the Perjury and Rebellion of *Zedekiah*; and which was followed with ſuch a remarkable vengeance; and likewiſe thoſe frequent Rebellions of the *Jews*, and that *Phariſaical* ſpirit of Rebellion ſo juſtly taxed by the Convocation, and by the Doctor too (though ridiculouſly applied) it ſeems the only fault and guilt of them was, their fooliſh attempting without ſufficient Power, for if they had *power enough* they might not only lawfully but they were bound to do it; for he tells us elſewhere, *though God may ſee fit* p. 41. *ſometimes to ſet a Providential King upon the Throne, yet whenever he nominates a new King, or diſcovers the Right Heir to whom the Crown belongs by a Divine Entail; the Reign of ſuch Providential Kings is at an end, and the Subjects may and* ought *to depoſe and kill them*; That is as he ſays before, *whenever* p. 36. *God is pleaſed to put it into their Power to place him* (the Right Heir) *on the Throne*; ſo that it ſeems the Jews were rare Subjects all this while, and this an admirable Scheme of Obedience, may men ſwear Allegiance to a Prince, and tye themſelves to him by all the ſacred Bonds poſſible, and then ſo ſoon as they have Power, depoſe and kill him? may are as much bound in Conſcience, to kill him when they have Power, as they were to ſwear to him when they had none; which is an extraordinary account of Fidelity and Allegiance, and very fit for an extraordinary Hypotheſis.

But here the Dr. is hard put to it, and wofully contradicts himſelf; in the Caſe of *Athaliah* the Divine Entail is ſet up, and is to anſwer all Arguments; and then *when the Right Heir appears the Reign of ſuch providential Kings is at an end, and the Subjects may and* ought *to depoſe and kill them*: And he ſays it yet further with this Circumſtance, tho *they had all the Rights and Settlement of the Regal power before*, &c. So that in that Caſe neither *Rights* nor *Settlements*, nor any thing elſe, is valid againſt a Divine Entail, but the Uſurper is to be depoſed and killed. But now in the Caſe of the *Babylonians* (the Drs. Uſurpers too, to all intents and purpoſes as much as *Athaliah*, and a little more; for according to him, they were Uſurpers both againſt a Divine Law, and a Divine Entail) *force* is to do the buſineſs, and the Divine Entail it ſelf ſignifies nothing at all, nor is of any validity againſt that. For ſays he, *when they were under force*, (*as they were under the* Babylonians, Macedonians, *and* Romans) *no Entail, tho made by God himſelf could bind them.* I have but one thing more to add, that this again is as flat a contradiction, and in expreſs terms to what he ſays in his *Caſe of Allegiance* as ever I met with: For he tells us upon this very matter, *That the Prophet* Jeremy's *argument is propheſie, or an expreſs command from God to ſubmit to the King of* Babylon; *and there was great Reaſon for an expreſs command from God at that time*, and I pray obſerve his reaſon: *Becauſe himſelf had entail'd the Kingdom on* David's *Poſterity, and therefore without an expreſs command from God, they could not ſubject themſelves to any other Prince, while any of that Family were living.* So that it ſeems, *then* force nor any thing elſe would juſtifie their ſubmiſſion without an *expreſs* command, but the Drs. buſineſs now is to anſwer objections, and if that cannot be done without contradicting himſelf, who can help it, that is the fault of the objection.

Vindic. p. 41.

P. 35.

P. 27.

Caſe of Alleg. p. 21.

2. My ſecond Reaſon againſt the uſe the Dr. makes of his diſtinction was, that the Drs. Arguments will equally juſtifie ſubmiſſion to *Athaliah* in the Kingdom of *Judah*, notwithſtanding ſuch Entail as to any Uſurper in any other Nation.

Anſw. p. 5.

To this the Dr. replies, *Well? and ſuppoſe he can prove it, what then?* why then I have proved what I intended to prove, and that is, that the uſe the Dr. makes of this diſtinction in the preſent caſe is impertinent and trifling, as we ſhall ſee preſently; But ſaith the Dr. *Did I ever deny, that it was lawfull to ſubmit to* Athaliah *while She was poſſeſſed of the Throne, and the true Heir concealed?* Now I do not know what the Dr. means by *denying*, perhaps he may have ſome diſtinction in reſerve to ſalve the buſineſs, and if he have let us ſee it, in the mean time he hath expreſly affirm'd the contrary, and that I think is denying it. In his Caſe of Allegiance, he tells us, *that God himſelf had entail'd the Kingdom of* Judah; *and therefore nothing could juſtifie their ſubmiſſion to an Uſurper, when the Kings Son was found*; and he further ſays in the ſame place, *that Subjects are bound to adhere to their Prince of Gods chuſing when he is known, and to perſecute all Uſurpers to the utmoſt, and* never *ſubmit to their Government.* And this I think is denying it with a witneſs, for if *nothing* could juſtifie their ſubmiſſion to an Uſurper, and if they were bound *never* to ſubmit to their Government, then I think it is plain enough, that it was not lawful for them to ſubmit to *Athaliah*, while She was poſſeſſed of the Throne. The Drs. limitation here, *and the true Heir conceal'd*, and *when*

Caſe of Alleg. p. 35.

Vind. p. 79

the

the Kings Son was found, and *when the Right Heir was known* ſignifies nothing, for he plainly ſays here, *If any one ſhould be condemn'd for it*, Jehoiada *was the man, who* knew *that* Joaſh *was living*; *and yet for ſix years together while he thought fit to conceal the ſecret, he ſubmitted himſelf to* Athaliah, *and acted under her Authority, and neither blames himſelf, nor any of the Nation for doing ſo*: Now I hope, that *when the Kings Son was found, and when the Right Heir was known*, what force ſoever it might have with reſpect to the reſt of the Subjects, it could have none with reſpect to *Jehoiada*, (for he that hid him need not be told where to find him;) And then it follows if nothing would juſtifie their ſubmiſſion to an Uſurper, when the Kings Son was found, then *nothing* would juſtifie the ſubmiſſion of *Jehoiada* to *Athaliah*; if Subjects when the Prince of God's chuſing was known, were bound *never* to ſubmit to the Uſurpers Government, then *Jehoiada* who knew that Prince, was bound never to ſubmit to *Athaliah*, but then what becomes of the ſubmiſſion that he now talks on, and in the next Page ſays *it is certain they ought to be juſtified in it*, i. e. it is *certain* the Dr. contradicts himſelf; for that nothing can *juſtifie* ſubmiſſion, and they ought to be *juſtified* in their ſubmiſſion, is as flat a contradiction as words can make. But the Dr. had forgot what he ſaid before, and who can help that. But methinks he that is more afraid of other mens inventions than their memories, may a little fear his own memory, and not ſay he never deny'd that, which he hath flatly deny'd, in the preſent controverſie, and in the preſent caſe.

Vindic. p. 79.

But ſaith the Dr. *Does he find in Scripture, that the* Jews *are condemn'd for ſubmitting all this while to* Athaliah? No truly I do not find it, and does the Dr. find in Scripture, that they did ſubmit to her, ſo as to become her Subjects? When the Dr. finds that, it is time enough for me to find the other, and that I ſuppoſe will be a good while firſt; but tho it is not to be found in Scripture, I can tell him where he may find it, and that is in *Bellarmin*, and as far as I know he will be hard put to it to find it any where beſides. *Bellarmin* indeed ſays it, but with a little more modeſty than the Doctor He does not ſay they did ſubmit, and they ought to be juſtified in it, but *(credibile eſt) it is credible, that the People approv'd her Reign by their conſent, and eſpecially when all the Kings Sons were thought to be dead.* But Biſhop *Buckeridge* roundly anſwers, *That without all Authority or Reaſon* Bellarmin *had only feigned this conſent out of his own head.*

Credibile eſt populum conſenſiſſe ſuæ reginæ ejus approbaſſe prælaturam cum omnes filii Regis defuncti creditentur. ſine omni auctoritate aut ratione, ſolum ex cerebro ſuo hanc populi conſenſionem finxit Bellarmin. Vindic. p. 33.

At length the Dr. tells me, *I miſtake the Queſtion*, that is a new Queſtion not put before in his former book; *It is not* (ſaith he) *enough for him to prove, that my Arguments will juſtifie ſubmiſſion to* Athaliah, *while She was in the poſſeſſion of the Throne, and of the power of the Kingdom: for let the entail be what it will, a Divine or Humane Entail; it is always lawful to ſubmit to power:* (tho he had deny'd it before) *But the Queſtion is, whether my arguments give as irreſiſtable Authority to* Athaliah, *who uſurped the Throne contrary to a Divine Entail, as they do to other Kings* de facto (have a care of calling them Uſurpers) *who are throughly ſetled in their Thrones, contrary to meer Legal Rights, and Humane Entails; if they proved this, I ſhould confeſs my arguments were naught, as proving too much.*

Now it might be ſufficient here to obſerve, that the Dr. grants me. that his arguments will *equally* juſtifie ſubmiſſion

miſſion to *Athaliah* as to any Uſurpers: and if his Arguments give irreſiſtable Authority to an Uſurper, and if they *equally* juſtifie Submiſſion to *Athaliah* as to any other Uſurper, then they *equally* give to her irreſiſtable Authority. But what they give to her, and whether his Arguments be naught, we ſhall ſee preſently.

Vindic. P. 33. But leſt I ſhould miſtake, the Doctor tells me again, *The Queſtion between us is, or ought to be this, if I intend to oppoſe him* (that is *him* now, not *him* in the Caſe of Alleg.) *not whether the* Jews *might lawfully ſubmit to* Athaliah *while in the Throne, for this I grant* (now) *they might lawfully do; but whether they having ſo ſubmitted, and ſhe being thoroughly ſettled in the Throne, (for that our Author will ſuppoſe,* tho I ſuppoſe and prove the contrary) *it were not as unlawful upon my Principles for the* Jews *to ſet up* Joaſh *and to kill* Athaliah *as it is for any other people to depoſe and murther a King* de facto, *whoſe Government is throughly ſettled among them.*

What is it that the Doctor would have me to do? Would he have me prove this according to *his* Principles? I beg his pardon for that, except I was better aſſur'd what his Principles are: about this very matter he hath one Principle in his *Caſe of Reſiſtance*, another in his *Caſe of Allegiance*, and another in his *Vindication of that caſe*, and perhaps he may have yet another in his next book; and would he have me prove things by Prophecy? How can I divine what his Principles are, or will be? nor perhaps he himſelf: it is enough in all Conſcience that I have prov'd that his Arguments equally juſtifie ſubmiſſion to *Athaliah* as to any Uſurper, according to what he hath deliver'd in his Caſe of Alleg. tho I do not prove it according to various and changeable Principles, which are one thing to day, and another to morrow. And that I have ſo done, will appear upon the Examination.

I had inſiſted upon two, His Argument from Providence, and from the neceſſity of Government for the preſervation of humane Society.

1. His Arguments from Providence. Poſtſcript. These (I ſaid) equally fit *Athaliah*, p. 5. and ſhe had the ſame pretenſions to Providence as any other Uſurper hath or can have, and which I proved from the Doctor's own account of Providence, and ſhew'd that they were as applicable to *Athaliah* as to any other Uſurper. And this the Doctor gives us in ſhort, and ſays, *The ſum of all he ſays* (i. e. all that the Doctor hath a mind to anſwer, for that he hath not ſum'd up what is moſt material will appear preſently) *is this, That according to my Principles* Athaliah *was placed in the Throne by God, by his Counſel, Decree, Order, and peculiar Order. well,* (ſaith he) *I muſt own it, for I know none but God who can advance to the Throne, and I know no more hurt in owning that God exalted* Athaliah *to the Throne, than that he exalted* Baaſha *who ſlew* Nadab *the ſon of* Jeroboam *and reigned in his ſtead; and God by his Prophet tells* Baaſha, *I exalted thee out of the duſt, and made thee Prince over my People Iſrael,* 1 King. 16. 2. But tho the Doctor knows no more *hurt* in it, I hope he knows, there is a great deal of difference, for *Baaſha* was a rightful King, and no Uſurper, and *Athaliah* was an Uſurper, and no rightful Queen, and (if the Doctor pleaſe) no Queen at all. A very pertinent compariſon! The Queſtion is concerning an Uſurper, and the Doctor proves it by an inſtance of a rightful King; as if, Becauſe it is ſaid of *Baaſha* who was a rightful King, that God exalted him, and made him a Prince over his People; therefore *Athaliah* and every other Uſurper if by God's Providence they can get poſſeſſion of the Throne, God makes Kings and Queens of them too. An admirable conſequence! The Scripture affirms

firms of a rightful King, that God exalted and made him a Prince, and the Doctor affirms the same of an Usurper, tho the Scripture says no such thing of *Athaliah*, or any other Usurper. God permitted them to be Usurpers, but he never made them Kings or Queens; and if God had made *Athaliah* a Queen, I wonder how the right Heir and the People should unmake her again? If God gave her his Authority, which way should the People take it away again. But as inconsequent as this is, the Doctor has it over and over, pag. 50. He says *Athaliah* was God's providential Queen tho an Usurper, as much as *Baasha* was God's King. And how does he prove it? why God himself by his Prophet says the one, and the Doctor says the other.

This single instance, if men would consider it without prejudice and partiality, would be sufficient to determine the Controversie. *Baasha* rais'd himself to the Throne of *Israel* by as ill means as *Athaliah* usurp'd the Throne of *Judah*. But *Baasha* was a rightful King and ought to have been obey'd, and *Athaliah* was an Usurper and ought to have been depos'd; and the reason of this difference is manifest, because the Crown of *Judah* was entail'd, but the Crown of *Israel* was not, and the possession of the Throne by *Athaliah* was in prejudice of the right Heir, but the Possession by *Baasha* in *Israel* was not, for no person had a better right to it than himself. And this is a plain Answer to that tedious Account the Doctor gives in the two next Pages of the difference between the Kingdoms of *Judah* and *Israel* after the division of the ten Tribes; whereas the plain difference is, that the one was hereditary and not the other; and therefore in *Israel* possession of the Crown gave a Right to it, for there was no better Right against it, but in *Judah* it did not; and this seems the true reason why the Convocation mention'd *the right Heir of that Kingdom being then living*, i. e. there was a plain and visible Right in being against the Possessor, and which they were bound to own and stand by what possession soever an Usurper had got of the Throne. And this is a sufficient Answer to what he says in the next pages: but there is one thing more deserves to be taken notice of, and that is the Reason he gives of the different behaviour of *David* and *Jehu* because *Saul* was a King by God's nomination, and *Joram* only a providential King. His words are, *This is the Reason of the different behaviour of* David *and* Jehu, David *was anointed as well as* Jehu, *but he never pretended to the Crown while* Saul *lived because there was then an* anointed *King on the Throne: but this was not* Joram's *Case, he had no more than a providential Right, which in the Kingdom of* Israel *must give place to God's anointing, and therefore* Jehu *was King of Israel as soon as he was anointed, and* Joram *was his subject.* This is a pure Reason; as if God by his nomination of a person, had divested himself of the Right of nominating another in his life-time, if he had so pleased; and if the mere nomination is a Reason against another nomination, why is not the setting up a King by providence a reason of not setting up another by providence in the life-time of the first King, for there is no more difference between Nomination and Nomination than there is between Providence and Providence. I know the Doctor says, that *when God nominated any King, it was always for life*, but that is said without proof, for where does he find such a Clause in the gift, that they should be Kings during life. But the true Reason of the different behaviour of *David* and *Jehu* was not because *Saul* was an anointed King, and *Joram* a providential King, nor yet from their being both anointed, for the Doctor may find that long

Vindic. p. 35.

before

before this time (of *Elisha*'s commanding the anoiming of *Jehu*) that God had commanded *Elijah* to anoint *Hazael* King of *Syria* and *Jehu* King of *Israel*, which if *Elijah* obey'd (as there is no great doubt of it) both *Hazael* and *Jehu* were anointed 20 years before they were actual Kings, tho *Benhadad* of *Syria* and *Ahab* of *Israel* were according to the Doctor providential Kings, and therefore they did not immediately enter into poſſeſſion by vertue of their being anointed, or becauſe the Kings into whoſe places they were to ſucceed were providential Kings; but *David* was anointed not as King in preſent, but as Succeſſor to *Saul*, as the Convocation intimate, and *Jehu* at this ſecond anointing (if he was anointed before, as the command of God to *Elijah* ſeems to import, and as many learned men believe) was anointed King at preſent, and appointed ſo for a particular end, to deſtroy the family of *Ahab*. And the Text is expreſs, *Thus ſaith the Lord, I have anointed thee King over Iſrael, and thou ſhalt ſmite the houſe of* Ahab *thy Maſter*, &c. So that together with his nomination, and anointing at that time, he had a command from God, and which he was immediately to put in execution, and God gave him accordingly Power and Authority to fulfill it: but not the leaſt intimation of the Doctor's fancy, becauſe *Joram was a providential King*, or becauſe a *providential Right in the Kingdom of* Iſrael *was to give place to God's anointing*; for whatever Right there was in the Kingdom of *Judah* or any other Kingdom, it was to give place to that. But if men, without any warrant from the Text, and of their own heads, will be framing Schemes from Scripture to ſerve a wretched Hypotheſis, it is no great wonder if humane Writings, ſuch as the *Convocation Book*, do not eſcape their corrupt Interpretations, and Applications of it to ſerve the ſame end. But to return,

Convoc. p. 46.

2 Kin. 9.

The Doctor adds, *And what does he prove from this?* That according to the Doctor's Principles *Athaliah* was placed in the Throne by God, by his Council, Decree, Order, and peculiar Order: That is what I prove. 'Now 'Athaliah (ſays he) had the actual 'adminiſtration of ſovereign Power, 'and therefore according to the Do'ctor, ſhe was Queen by God's Au'thority, tho not by the Law of the 'Land, and Allegiance muſt be due 'to her as well as to any other; and 'all the Doctor's Arguments are as 'concluſive and valid for Submiſſion 'to *Athaliah* as for ſubmiſſion to any 'body elſe.

To this the Doctor replies, *Grant all this, and what then?* Why then the Doctor's Arguments are loſt by his own confeſſion; for but fifteen lines before he ſays, that I ſay his Arguments will equally ſerve *Athaliah* as any other King or Queen *de facto*, and he ſays, *if they will, he will give them up for loſt.* But ſays he, *Why then this juſtifies the ſubmiſſion of the* Jews *to* Athaliah *while ſhe was poſſeſs'd of the Throne and no right Heir appear'd. But if he would have concluded any thing to the purpoſe, he ſhould have ſaid, And therefore it was unlawful for* Jehoiada *to have anointed* Joaſh, *and to have killed* Athaliah. But what need was there for me to have concluded that? I was diſputing againſt the uſe the Doctor *then* made of this Diſtinction, and for that *purpoſe* it was ſufficient to ſhew that his Arguments equally concluded for ſubmiſſion to *Athaliah* as for ſubmiſſion to any other Uſurper; for whatſoever he ſays now he had ſaid before from his Diſtinction that *Nothing would juſtifie their Submiſſion to an Uſurper, and they were bound never to ſubmit to their Government when the right heir was found.* I know he ſeems in many places of his Vindication to lay ſome ſtreſs upon the *Kings ſon being found and known*; but in truth he means nothing by it,

Caſe of Allegiance 35.

for

for he equally supposes and justifies the submission of *Jehoiada*, who knew of the right heir's being alive as well as the rest of the Subjects, who he supposes did not know it. But I suppose the Doctor would have had me to conclude against his *Vindication* before I ever thought of it or he himself. He tells me indeed, *I mistake the use of his Distinction which was not to prove that because God had entail'd the Kingdom of* Judah, *&c. that therefore the Subjects might not submit to any other Kings whom the providence of God plac'd on the Throne, for it appears from what I have already discours'd, that they both actually did and lawfully might submit to such providential Kings.* But where I pray does this appear? Not in the *Case of Alleg.* but if it appears at all, 'tis in the *Vindication* of that Case; for he hath discours'd nothing at all of it in the *Case of Alleg.* except saying they ought *never* to submit, he proving they might lawfully submit. But it seems when I am discoursing against the *Case of Alleg.* I do not conclude to the purpose, except I conclude against the the *Vindication.* But after all, the Doctor perfectly mistakes me, and makes me conclude before I have concluded; for after reckoning his Arguments from Providence, I thus concluded with an Argument from the whole, 'But if 'these reasonings be naught with respect to *Athaliah*, so they are also 'with respect to any other Usurpation; for if they be not certain signs 'of God's Decree and Council, that a 'person so possess'd of the Throne, 'should be own'd as King, and submitted to, then they are no Rule for us; 'if they are, then they are a Rule to 'the *Jews*, and 'tis mere trifling to 'talk of God's entailing the Crown, 'as if God was ty'd any more to his 'own Entails than he is to humane 'Entails, and his own Decrees and Orders, would not cut off his own Entails as well as those of men. And this is the force of my Argument against him. And I believe it concludes to the purpose, or else the Doctor would have given a better Answer to it, and shew'd how it did not conclude; but instead of that, he tells us a long story of the difference of the Kingdom of *Judah* and *Israel* and other Kingdoms, and repeats his distinction over again, and then tells me, *Had our Author consider'd this he would not have said, that 'tis mere trifling to talk of God's entailing the Crown, as if God was tyed any more,* &c. But I have considered it, and find no reason, but upon the same occasion I might say it over again, and the Answer that follows is so very poor, that I wonder he should think that by reason of it, I should be discourag'd in having said it, or find any reason to retract it. *For* (says he) *tho God may cut off his own Entails if he please, yet men cannot.* Very good! and what then? *And the mere events of Providence can never prove that he has done it.* Methinks the Doctor that tells me I do not *conclude to the purpose*, should have himself a little more concluded to the purpose, and the conclusion ought to be this. And the *Decrees and Orders* of God cannot cut off his own Entails as well as those of men. But when the Doctor talks of persons possessing the Throne by Providence, then it must be *God's Counsel, Decree, Order and peculiar Order*; but when his Arguments are turn'd upon himself, then forsooth it must be the *mere events of Providence.* But this is disguising an Answer, and imposing upon his Readers; Why did not he put it into the same terms that he first proposed it in, and which his Answerer urg'd upon him, and wherein the Argument consists, and then the vanity of his Answer would be evident: for tho all men know that the *mere events of Providence* can never prove that God by them has cut off his own Entails, nor that he thereby hath cut off humane

Vindic. p. 40, 41.

Vindic. p. 35.

Subscript 5.

Entails (which the Dr. alſo owns,) but that his *Decrees, Orders, and peculiar Orders*, cannot do it is another Queſtion, and that which turns upon him. For the Queſtion is not, Whether *the mere events of Providence* can cut off divine as well as humane Entails, but whether the events of Providence according to his account of them, *i. e.* Whether *God's Decrees, Orders, and peculiar Orders*, cannot cut them off? *Joaſh* had God's *Entail* for his being King, and *Athaliah* according to the Doctor had *God's Decree, Order, and peculiar Order*, for her being Queen; and if the world were to judge who had the beſt Title according to this account, I believe they would rather judge it on the behalf of *Athaliah*, and that God's peculiar Order, which was immediate and preſent, was to take place before an Entail that was made by him long before. But, ſaith the Doctor, *we muſt never interpret providential events to contradict an expreſs Revelation.* And this is true enough according to the account that the world hath hitherto had of Providence, who have always believed that the events of Providence are no warrant to act againſt a known duty, (and the Doctor if he pleaſes may conſider it.) But the Doctor hath given quite another account of it; God's Providences are his *Orders* and his *peculiar Orders*, which are to be taken notice of and obey'd as Rules of Practice are evident and demonſtrative Declarations of his will in order to practice. And I cannot very well ſee what more he can make of *expreſs Revelations.* The manner of notifying it indeed is not the ſame, but God's Will is the ſame, is as evident, and ought to be comply'd with as much as if it had been expreſly reveal'd. And this I had ſaid, *If the Poſſeſſion of the Throne by Providence be a clear and demonſtrative Evidence that ſuch a Perſon hath God's Authority, and that God would have him obey'd as King then it is ſo notwithſtanding any Entail made by himſelf.* There is a difference between divine and humane Entails, but the Queſtion is, Whether God's Orders are not as valid againſt his own Entails, as well as againſt humane Entails? And when there is a plain manifeſtation of his Will, it does not as well ſuperſede the Rules made by himſelf, as ſet aſide thoſe made by men? And here I ſhall reſt it; If the Poſſeſſion of the Throne by Providence be a demonſtrative Evidence that God hath given the Crown to ſuch a Perſon, and that it is God's will he ſhould be own'd and obey'd as a King of his making, then it is ſo notwithſtanding any Entail made by himſelf; if it be not ſuch an Evidence, then it is not ſo notwithſtanding humane Entails.

Vindic. P. 36.

Poſtſcript p. 6.

But there is one thing more I had mention'd from the Doctor which he hath here omitted, and I ſuppoſe for ſome good reaſon or other: from his Doctrine of Providence he had laid down this as one Propoſition, That *all Kings are equally rightful with reſpect to God, for thoſe are all rightful Kings who are placed in the Throne by God, and it is impoſſible there ſhould be a wrong King, unleſs a man could make himſelf King whether God will or no.* This I had apply'd to *Athaliah*, and ſaid, *If all Kings, then ſurely* Athaliah *among the reſt*, and *I only ſuppos'd that* Athaliah *could not do what was impoſſible, nor (if ſhe had never ſo much mind to it) could ſhe make her ſelf Queen whether God would or no.* But I add, then it follows that *Athaliah* was a rightful Queen with reſpect to God, nay ſhe was as equally rightful with reſpect to him as *Joaſh* himſelf, or as *David* or *Solomon*, for he ſays, *That all Kings are equally rightful with reſpect to God.* But then I wonder how *Athaliah* who was a rightful Queen with reſpect to God, ſhould be otherwiſe with reſpect to God's Entail, or that ſhe who was rightful Queen with reſpect to God, might juſtly be depoſed and ſlain, with reſpect to his Entail. But the Dr. did not think fit to take

Caſe of Alleg. p. 14.

take notice of the mention I made of this Propoſition, and I ſuppoſe by this time the Reader is ſatisfied of the reaſon.

But (ſays the Doctor) *This he knew did not follow from my Principles*, i. e. the Doctor did not ſay *it was unlawful for* Jehoiada *to have anointed* Joaſh *and to have kikted* Athaliah. And it would be pretty ſtrange if he ſhould. But this follows from his Arguments; and that is enough to ſhew their faultineſs. But I pray mark his Reaſon; *For* (ſaith he) *I expreſly diſtinguiſh between Gods making Kings by a particular nomination as he made Kings in* Jewry, *and entailed the Kingdom of* Judah *on* David's *Poſterity, and his making Kings by his Providence, as he does in other Nations*; that is to ſay, the Doctor defends his Diſtinction by his Diſtinction. I was here arguing againſt the uſe he made of his Diſtinction, and he tells me he expreſly diſtinguiſhes ſo, and therefore it did not follow from his Principles. Very logically anſwer'd!

The next Argument I had mention'd of the Doctor's, and which he ſays, *There will be no great occaſion to take notice of*, was *from the neceſſity of Government to the preſervation of humane Society*; for (ſaith he) *I readily grant what he contends for, That theſe Arguments will equally conclude for ſubmiſſion to* Athaliah *as to any other uſurper.* Well! that is as much as I can deſire; and then, if I miſtake not, he muſt grant too, that his Diſtinction is frivolous and his Arguments weak, and not concluding: for what Submiſſion is that which the Preſervation of humane Societies will juſtifie to be paid to an Uſurper? why truly according to him a full and entire Submiſſion, the very ſame to all intents and purpoſes that is due to the moſt rightful Prince in the World. *For Biſhop Sanderſon, and the zealous Loyaliſts* (as he ſays) *own it lawful for Subjects to pay ſome kind of ſubmiſſion and complyance to uſurped Powers, but not to own their Authority.* But this will not ſatisfie the Doctor, and therefore in Anſwer to Biſhop *Sanderſon* he tells us plainly, *That nothing can preſerve Society, without Authority in the uſurper and Duty in the Subject. And if humane Societies muſt be preſerved, then the neceſſities of Government give Authority to the Prince, and lay an obligation of duty on the Subject: if God will preſerve humane Societies, we muſt conclude, that when he removes one King out of the Throne, he gives his Authority to him whom he places there.* I. e. He took it away from *Joaſh* and gave it to *Athaliah*. For if *we* muſt conclude ſo from the neceſſity of Government to preſerve humane Society, I wonder why the *Jews* (upon the ſame Reaſon) were not to conclude ſo as well as we; and then it concludes too much, and that is, it concludes that the Doctor's Argument is naught. But the Doctor goes a little further, and ſays he, *I would ask whether the care of my own preſervation*, &c. *does oblige me in conſcience to obey and ſubmit to the Government, and the Prince who governs, and to wiſh and pray for, and do my utmoſt to endeavour their Proſperity? if it does, I ſee no difference between this and Alleg. and what I am bound in conſcience to do, I may ſwear to do: if it does not, then I am at liberty to diſturb the Government notwithſtanding all my gratitude when I can, nay am under an Obligation by my Alleg. to the diſpoſſeſſed Prince, to do it when I can. And how does this contribute to the ſafety and tranquillity of humane Societies.* This is pretty well; and if it was but true one would have thought *Athaliah* as well eſtabliſh'd in the Allegiance of the Subjects as any Prince in the World, and a little better than *Joaſh* himſelf. But the Doctor hath yet one ſtep further. *Suppoſe* (ſaith he) *the Government does not think it ſafe to leave all men at liberty to diſturb it when they pleaſe, and when they have a promiſing opportunity, but ſhould require an Oath of*

Vindic. p. 36.

Caſe of All. p. 38.

Caſe of All. p. 39.

P. 40.

Fidelity, which is the univerſal practice of all Governments, what ſhall Subjects do in this Caſe? which queſtion concerns as much the Subjects of *Judah*, as any other: and they muſt e'en ſwear; for he tells us, *ſhould every man refuſe, and the Prince had power enough to compel, what muſt be the effect of this, but the utter ruine and deſtruction of the Nation. The Land indeed would remain where it was, but the people muſt either be deſtroyed or impriſon'd* (I ſuppoſe a million or two in a Jail) or *tranſplanted* (from the *Temple* to ſome other habitation) or into ſome foreign parts, as the Ten Tribes, who were *carryed away captive*, I ſuppoſe not as a juſt Judgment for their Rebellion and Idolatry, but for their not taking an Oath to an Uſurper: However, 'tis a plain Caſe; they muſt ſwear, and tye themſelves to the Uſurper (if he has a mind to it) by all the obligations poſſible. For the Dr. *believes it will be hard to perſwade any conſidering man, that that which in ſuch Caſes is neceſſary to preſerve a Nation, is a ſin; and that which will infallibly deſtroy it, is a duty or vertue.* And ſo he plainly reſolves, that *the Preſervation of Humane Societies does of neceſſity force us to own the Authority ev'n of Uſurped Powers.* And to the ſame purpoſe, is what he ſays concerning the preſum'd conſent of the ejected Prince; that if *the Princes leaving his Kingdom for his own ſafety, will juſtifie him, why will it not juſtifie Subjects, when their King has left them, to ſubmit and comply with the prevailing Powers, as far as is neceſſary to preſerve themſelves, that is, ev'n by Oaths of Allegiance, if that be neceſſary*; 'that is, when *Joaſh* was 'hid to ſave his life, the Subjects of 'Judah, to ſave their intereſts and pre'ferments, might joyn themſelves to 'Athaliah, eſpouſe her Cauſe and In'tereſt, become her Subjects to all intents and purpoſes, and take an Oath of Fidelity to her, to defend her againſt all men; ev'n againſt him whom they own'd and acknowledg'd had the Right to the Throne.

This I had ſaid before; and the Dr. tells me, *that it is my miſtake, to ſuppoſe that the Jews knew that* Joaſh *was living; and ſays, if I was not guilty of this miſtake, he knew not what ſenſe to make of what I ſay about ſwearing an Oath of Fidelity to her, to defend her againſt all men, ev'n againſt him whom they own'd had a Right*, &c. But if he would have taken it all together, he might eaſily (had he ſo pleas'd) have ſeen another ſenſe in it. And that is not that I thought, that they knew *Joaſh* was then living (which makes little difference in the matter, as we ſhall ſee preſently) but that the Drs. Argument prov'd, they might own and ſwear Allegiance to her, whether they had or not known, that *Joaſh* or any other Right Heir had been living: and that I think is plain enough that it does. And I choſe rather to ſpeak to it here, than after, where the Dr. mentions it, that the ſenſe of it might be the more evident to the Reader; which was plainly to ſhew the tendency of the Drs. Arguments, not my own opinion of the matter of fact. Poſtſcr. p. 8. Vindic. p. 36.

The ſum is this, the Submiſſion that the neceſſity of Government, to the Preſervation of Humane Society juſtifies to be pay'd to Uſurped Powers, according to the Dr. is the Obedience and Subjection of Subjects. To own their Authority, to ſupport their Government to the utmoſt, ev'n againſt the diſpoſſeſſed & Rightful King, and to ſwear Allegiance to them, &c. This is the Submiſſion the Dr. pleads for, *from the neceſſity of Government to preſerve Humane Societies*; and the Dr. *readily grants, that theſe Arguments will equally conclude for ſubmiſſion* Vindic. p. 36.

miſſion to Athaliah, *as to any other*: And asks me *what then?* And the Anſwer is at hand, then his Arguments conclude, that the Jews might own her Authority, endeavor her Proſperity to the utmoſt, ev'n againſt the diſpoſſeſs'd King, and ſwear Fidelity to her, &c. Now I ask the Dr. and ſhould be glad to ſee his Anſwer: Did the neceſſity of Government for the preſervation of Humane Society, juſtifie ſuch a ſubmiſſion as this to *Athaliah*, or did it not? If it did, then his diſtinction is in vain; if not, then his Argument is in vain. For I had ſaid, and which the Dr. does not diſprove, that *theſe are arguments from the nature of the thing, which are equally the ſame in all Governments: for the ends of Government are the ſame in all Countrys; and ſelf-preſervation, and preſervation of Society, and the neceſſity of Government, in order to it, theſe are the ſame with reſpect to* Judah, *as to any other Society.* The Ends of Government, and the Conſervation of Humane Socieyt, will juſtifie as much and no more in one Kingdom, than in another; what they would juſtifie in *England*, that they would juſtifie in *Judah*, and *è contra*. The Queſtion is no more but this, Will the neceſſity of Government for the Preſervation of Humane Society, juſtifie ſuch a Submiſſion as the Dr. contends for, or will it not? If it will, then it would juſtifie ſuch an intire ſubmiſſion to *Athaliah*, and then the depoſing her, was Perjury and Rebellion: If it will not, then it will not juſtifie ſuch a Submiſſion in any other Country. And here I muſt reſt it, till the Dr. thinks fit to give an Anſwer to it:

Poſtſcr. p. 8.

P. 36. But the Dr. ſays, *the* Jews *did actually ſubmit to* Athaliah: what! in the ſenſe the Dr. contends for, to become her Subjects, to own her Authority, to ſubmit to her as a Queen of God's ſending and making: This I doubt, the Subjects of Conſcience did not, tho I believe alſo, there were a great many others of them that did. The Dr. indeed ſays, *it is evident from the ſtory they did.* But what ſtory does he mean? The Scripture account, as far as I can find, intimates no ſuch thing: and the Dr. in his next will do well to tell us, what ſtory he means. But the Dr. here lays great weight upon the Subjects not knowing that *Joaſh* was living, and takes ſome pains to prove it. *As if* (*ſaith he*) *they could not very innocently and lawfully ſubmit to the Government of* Athaliah, *while they knew of no other King they had:* and ſays, that *my ſuppoſing the* Jews *knew it was my fundamental miſtake*, &c. But this makes but very little difference. For,

1. What is this to the *neceſſity of Government, to the preſervation of Humane Societies?* This is the Queſtion before us; and this the Dr. ſays, *juſtifies their ſubmiſſion*, and then they are juſtified, not becauſe they did not know the Right Heir living, but becauſe the neceſſity of Government, for the Preſervation of Society, juſtified them.

2. What is this to *Jehoiada*, who knew of the Right Heir's being alive, and probably enough, many more of the Princes, whoſe Submiſſion the Dr. juſtifies, as well as the reſt, might he or they become her Subjects, and take an Oath of Allegiance to her, and at the ſame time be actually contriving to Depoſe and Kill her; and which he was bound in conſcience to do: Will the neceſſity of Government, to the Preſervation of Society, juſtifie the ſwearing Fidelity to Uſurpers, with intention at the firſt opportunity to depoſe them? Upon my word, if it will juſtifie this, it will juſtifie any thing: And let the Dr. ſhew me where the *fundamental miſtake* of this is.

3. What is this to the Entail upon *David's* Poſterity? *Joaſh* indeed, was a branch

branch of it; but was he the last of the Family? Was there not one of the Line left to succeed? So that suppose, they did not know that *Joash* was living, did they know no other Heir? Or can it be believ'd, that those who were so exact in their *Genealogies*, did not know who was the next to succeed? If therefore their Submission was (as the Dr. asserts) innocent and lawful, it must be upon my Principles, and not upon his: He who they thought the Right Heir, had himself submitted, and that justified their Submission; supposing still that they did submit: for that the Dr. has not proved. By this time, I suppose, the
P. 36. Dr. needs not *desire to know of the Author, by his own Principles, had it been customary in those days, what should have hindred them to have sworn Allegiance to* Athaliah? *for he allows possession to be something, when there is no better claim against it:* and suppose *Joash* had been dead, or they had thought so, had there been no better claim against *Athaliah?* But here I must do the Dr. right, he does say indeed, *if they knew nothing of* Joash, *and did believe that the Royal Line was extinct.* But then I cannot tell for my life, what he means by his Question. The matter is, whether the *Jews* might become Subjects to *Athaliah*, while *Joash* was living: the Dr. places a great deal, in his being conceal'd; and says, they might lawfully do it, when he was hid: and then to make me say so too, asks me, whether by my own Principles, they might not have done it, if they believ'd the *whole Line was extinct?* A very grave Question, and much to the purpose! Well, I see there is no dealing with such a Disputer, that will make such turns upon his Adversaries. I had thought there had been some difference between Possession against a Right, and Possession when there was no better Right. And I desire to know of the Dr. why they ought to have submitted to *Athaliah*, or innocently might. The Concealment of *Joash* will not serve the turn, except the whole Family of *David* had been conceal'd likewise; and the Dr. I doubt, will be as little able to make that *evident from the story*, as that *Jehoiada* and the People submitted.

The Dr. tells us, he *asserted in the* Vindic.
Case, that Government and Allegiance are such Relatives, as do mutuo se ponere & tollere, *the one cannot subsist without the other; if the Prince can't govern, the Subject can't obey.* To this I had made a short re- Postscr.
flection, which the Dr. does not think p. 9.
fit to take notice of: *And therefore because they can't obey him, they must fight against him, and kill him, and do their utmost to ruine him.* And yet I conceive, there is some difference between actual obedience, and actual hostility. And I wonder where is the Consequence; A King is hindred from actually governing his people; and therefore the people are bound to do their utmost to hinder him still, or to knock him on the head. For, says the Dr. *And therefore as far as he quits his Government, he quits their Allegiance, and leaves his Subjects as he does his Crown, to be possessed by another, and must recover them both together.* Now (says he) *This the Author says, is as plain a fallacy, as ever he met with; and proves from the example of* Joash, *that it is so.* But here the Dr. does not repeat fairly his own words nor mine: For tho I had said it was a plain fallacy, yet it was not only with respect to those words of his which he hath repeated, but to the whole; and more especially to that which follows, and which he hath omitted: for he adds in the Case of Allegiance, *He may have a Legal Right to both, but he cannot actually have the*

the Subjects Allegiance without the Crown; nor can the Subjects pay him their Allegiance, without his being reſtored to poſſeſſion of the Throne, no more than they can obey, when he cannot command. Theſe I ſuppoſe, the Dr. did not add as ſuperfluous words, but deſign'd by them either more fully to explain his meaning, or to prove his Aſſertion; and to theſe my Anſwer was more immediately ſuited; at the foot of theſe to wind up his Argument, the Dr. ſays, *this is as certain as any Propoſition in Logick.* My Anſwer was, *it is as plain a fallacy as ever I met with; and the inſtance before us* (of *Joaſh*) *lays it open.* The Dr. replys, *but I have ſaid ſo much already to that Caſe, that I will trouble my Reader no further with it.* A ſpecial Reply: and let the Reader judge of it. I ſaid, *I ask the Dr. was the reſtoring* Joaſh *to the Throne, an act of their Allegiance or no? If not, what duty was it? But if it was, then Allegiance follows the Perſon of the King, tho he be out of the poſſeſſion of his Throne.* And this is as direct againſt the Drs Aſſertion as any thing can be: for if the Reſtoring *Joaſh* to the Poſſeſſion of his Throne when he was out of Poſſeſſion, was an act of their Allegiance to him, then a Prince *may actually have the Subjects Allegiance, and they may* (nay, they ought) *to pay him Allegiance without* (if before be without) *his being reſtor'd to the poſſeſſion of his Throne.* But forſooth the Dr. did not think fit *to trouble himſelf, nor his Readers with an anſwer to it.* And I cannot blame him; for why ſhould a man trouble his Readers with any thing, when he hath nothing to ſay to it? It is a wiſe way to ſcorn an Argument, which we cannot anſwer. But to gratifie him, what does he think of the Caſe of King *Charles* the Second? I hope he may vouchſafe to trouble his Readers with an Anſwer to that, tho he does not to the Caſe of *Joaſh*: was the reſtoring him to the Poſſeſſion of his Throne, an Act of the Subjects Allegiance, or was it not? If not, the Dr. will be very kind to tell us what it was ſome civility perhaps or kindneſs; to him and his family, but no act of duty. And ſo the Parliamentary Acts of Recognition, and owning him King all the time of his abſence, and the *Act of Indemnity, &c.* are meer Complements of State, but in reality, nothing at all: For *he quitted the Allegiance of the Subjects, when he quitted the poſſeſſion of the Throne*, and they ow'd him no Allegiance, nor could they pay him any, 'till he was reſtor'd to the poſſeſſion: And beſide, the Dr. hath told us, that *there is a vaſt difference between maintaining and defending a Regnant Prince, and reſtoring a diſpoſſeſſed Prince.* But now, if the Reſtoring him, was an Act of their Allegiance, then Allegiance is due to the Perſon of the King, when he is out of the Poſſeſſion of the Throne, and they are bound to pay it to him, before he is poſſeſſed of it. And when the Dr. thinks fit to *trouble his Readers*, he may anſwer it: and if he does not think fit to anſwer me, let him anſwer the Acts of Parliament, and the Juſtice of the Nation. And his fine buſineſs *of Divine and Humane Entails, giving very different Rights to Princes* will ſignifie nothing here: For King *Charles* was King, not by *Divine*, but by *Humane Entail.* Caſe of Allegp 23

The Dr. proceeds upon my Anſwer, and ſays that I ſay, *By Government, he means, the Actual Adminiſtration of it; and then Government and Allegiance are ſo far from being* ſuch *Relatives, that they are no Relatives at all; they are only the Acts of Relatives: and to ſay the Acts of Relatives are Relatives, is ſo far from being as certain as any Propoſition in Logic, that it*

it is Logical Nonſenſe. To this the Dr. replys, *Well! Logical Nonſenſe I hope is the beſt ſort of Nonſenſe however.* Well! Beſt or worſt, *Nonſenſe* it is; and if the Dr. had rather have it of the beſt ſort, with all my heart.

But (ſaith he) *my meaning is plain enough, and certainly true; which is as much, as any Propoſition in Logick can be. By Government, I do mean the Actual Adminiſtration of Government; not as that ſignifies the particular Acts of Government, but the Actual Poſſeſſion of Power and Authority to Govern. By Allegiance, I mean that Obedience and Subjection that is due to Government.* Something is the matter ſure, that we muſt diſtinguiſh ſo nicely. I wonder what is the difference between Actual Poſſeſſion of Power, and Actual adminiſtring it: And if there was any difference, whatever he means now, in his *Caſe of Allegiance*, he certainly meant the adminiſtring, *i. e.* the performing the Acts of Government: for his Argument is, *If the Prince cannot govern, the Subject can't obey.* And what does he mean by the Prince cannot govern, but that he cannot perform the Acts of Government, cannot exerciſe and adminiſter it. And the ſame he means with reſpect to the Allegiance of the Subject. *The Subject cannot obey: i. e.* cannot actually pay his Allegiance. And this he muſt mean, if he means any thing: And ſo he ſays after, *He may have a Legal Right, but he cannot actually have the Subjects Allegiance, nor can Subjects pay him their Allegiance; i. e.* cannot perform the Acts of it. I know there is a difference between the Acts of Allegiance, and the Duty of Allegiance. A man may owe Allegiance, where he cannot pay it; and it may be *due* to a Perſon, to whom the Subject cannot perform the Acts of it. But this is ſo far from doing him ſervice, that it confutes his whole Argument: for what *if when the Prince can't govern, the Subjects can't obey*; yet if the Subject may *owe* the Prince Obedience, what if the Subject cannot pay the Prince Allegiance; yet if Allegiance be *due* to him, the Drs. Argument falls. And what then makes him diſtinguiſh thus Critically? Why truly, I had ſaid, *That the Actual adminiſtration of Government and Allegiance are not Relatives, but the Acts of Relatives.* And to be even with me, By Actual Adminiſtration, he does not mean the particular *Acts* of Government, and by Allegiance the Duty, and not the particular Acts of it: And what is this to the purpoſe? Are they not the Acts of Relatives, for all that? What if *Actual Adminiſtration*, ſhould ſignifie *Actual Poſſeſſion and Authority*; is it not an *Act* of the Relative, when it ſignifies ſo, as well as when it ſignifies particular Acts of Government? What if Allegiance means that *Obedience* and *Subjection which is due to Government*, is not that an *Act* of the Relative, as well as when it means the particular Acts of Allegiance? Actual Authority is not the particular Acts of Government, but it is the Act of the Relative: the Duty of Allegiance, is not the particular Acts of Allegiance, but it is the Act of the Relative. And therefore let the Dr. mean what he pleaſe by them, it makes no Alteration in the Caſe. For either way they are Acts of Relatives, and therefore not Relatives themſelves. And this is the Single Queſtion, and I ask him, *If the Actual Adminiſtration of Government ſignifies Poſſeſſion of Power and Authority to Govern, and Allegiance means that Obedience and Subjection which is due to Government*, are they then Relatives? Why truly the Dr. cannot ſay that, tho he hath a great mind to it, but ſays, *if the Author will be ſo ſevere, as not to allow me to call theſe Relatives.* But the Dr. is miſta-

Caſe of Alleg. p. 42.

P. 43.

ken,

ken, if he thinks I contend with him only about a meer propriety of expreſſion: For the whole ſtreſs of the Argument depends upon it. And if the Dr. miſtakes the uſe of an Expreſſion; and argues and builds upon ſuch miſtake, there is no reaſon to give up the Argument, out of Complement to the Expreſſion. Relatives *ſe mutuo ponunt & tollunt*. But if the Actual Adminiſtration of Government and Allegiance, are not *Relatives*, then they do not *ſe mutuo ponere & tollere*, which the Dr. concludes from their being Relatives. And this perhaps he would have me give him out of good manners, for he hath not prov'd it, nor does he now directly aſſert it: But (ſaith he) *they are the Relations which make the Relatives, and do* mutuo ſe ponere & tollere. Now if the Dr. can prove, that Actual Poſſeſſion of Power, is the Relation that makes a King; or if he can prove, that the Actual Poſſeſſion of Power (he adds indeed and *Authority to Govern*; but if he means by that, more than Poſſeſſion of Power, he ſpeaks ambiguouſly, and ought to have explain'd himſelf) and the Allegiance of the Subject do *mutuo ſe ponere & tollere*, I will not diſpute with him about Terms and Expreſſions. Now to prove this, he asks, *What is the Relation of a King to a Subject? His Dominion and Government. What is the Relation of a Subject to a King? His due Allegiance and Subjection: Then Dominion and Government makes a King, and Allegiance a Subject; and Allegiance has as neceſſary a Relation to Dominion, as a Subject has to a King: If there be no King, there can be no Subject: If no Dominion and Government, there can be no Allegiance. Paternity is the Relation that makes a Father, and Filiation a Son: and Paternity and Filiation have as mutual and neceſſary reſpect to each other, as Father and Son. Theſe are call'd by Logicians Relative Acts: i. e.* Logicians call Paternity and Filiation, *Relative Acts*: This is extraordinary, and the Dr. would have done well, to have told us, who thoſe Logicians are that call them ſo. *Relations* I know, they are call'd; but *Relations* and *Relative Acts* are two things. But for all that, the Dr. proceeds upon it, and asks, *Why then may not I call Government and Subjection Relative Duties?* He may call them ſo if he pleaſe; but if he has no better Authority for it, than that Logicians call Paternity and Filiation Relative Acts, he has none at all. But ſaith he, *by which I explain'd what I mean't by Relatives.* The Dr. call'd Government and Allegiance Relatives; and argued upon the ſuppoſition, that they were Relatives; and from thence draw'd a peremptory Concluſion, and ſaid, *This is as certain as any Propoſition in Logick; and to extend Allegiance beyond the actual adminiſtration of Government, is to preſerve a* Relative *without its* Correlate: *for when one of the* Relatives *is loſt, the* Relation *is deſtroy'd.* And I hope no body will be ſo obſtinate, as to ſay, that by *Relatives*, the Dr. meant *Relatives*; but that he meant *Relations* or *Relative Acts*, or *Relative Duties*, or any thing rather than *Relatives*; for by *Government and Subjection* being *Relative Duties*, the Dr. had explain'd what he meant by *Relatives*; *i. e.* he had ſaid Government and Allegiance were *Relatives*, and they are not *Relatives*, And can any body believe the Dr. ſhould mean things are, what they are not, tho he ſays ſo over and over: For this is all his Explication, He *was* ſpeaking of Government and Subjection, but he was ſpeaking of them as *Relatives*, and affirm'd them ſo to be, but ſeeing they are not ſo, therefore when he calls them ſo, he does not mean what he calls them,

Caſe of Alleg. p. 42.

them, but ſomething elſe: Now is it not a thouſand times better ingenuouſly to own the miſtake of an Expreſſion, than to be put upon ſuch ſhifts to diſguiſe it; and then to colour the matter the better, to laugh away the notice of it; as the Dr. very gravely, *This I'm ſure, is only a Logical Banter, and ſo let it paſs.*

Well! but the Dr. hath explain'd himſelf now; and for once let us take a new account for an explication, and ſee whether he hath mended the matter; but here we are at ſome loſs, in the *Caſe of Allegiance*, Government and Allegiance were *Relatives*, but in the *Vindication* (by way of Explication) *they are the Relations that make the Relatives*; and a few lines after, they are *Relative Duties*; and a little after, they are *Relations* again. I remember the Dr. told me, *I blunder'd for want of clear and diſtinct notions of what I wrote.* But mocking is catching: And here the Dr. *blunders* to ſome purpoſe, if ſpeaking confuſedly, backwards and forwards be blundering, and all for want of *having*, or for want of *laying down* clear and diſtinct notions of what *he* writes. For as to Government and Subjection being *Relative Duties*, I doubt he muſt explain himſelf again. For *Duties* it ſeems they are, and I deſire to know what *Duties*? Are they the *Duties* of *Relations*? If not, I deſire the Dr. in his next, to tell me what *Duties* they are: but if they are, then they are not the *Relations* themſelves, but ſuch as flow from the Relation. And this is a plain contradiction to what he aſſerts before, that *they are the Relations that make the Relatives.* But truth will out: And this is the plain ſtate of the Caſe; for it is certain they are *duties*, and *relative duties* too, in the ſenſe thoſe words are generally taken; that is, ſuch duties as ariſe from *Relation*, and are due to *Relatives*.

Vindic. p. 11.

And this plainly confutes the Drs. notions and arguments, for then they are not nor can be the Relations that make the Relatives; for the duty flowing from the Relation, and the Relation it ſelf are two very different things; nor do they *mutuo ſe ponere & tollere*; for the failure of the actual duties of the Relative does not deſtroy the Relation. And this is the Drs. fundamental miſtake, he confounds the Relation with the duty of that Relation, and accordingly he aſſerts,

That the actual Adminiſtration of Government, as that ſignifies the actual Poſſeſſion of Power and Authority to govern: And Allegiance as it means that Obedience and Subjection which is due to Government, are the Relations which make the Relatives, and do mutuo ſe ponere & tollere. *For what is the Relation of a King to a Subject? His Dominion and Government; what is the Relation of a Subject to a King? his due Allegiance and Subjection; then Dominion and Government makes a King, and Allegiance a Subject; and Allegiance has as neceſſary a Relation to Dominion, as a Subject has to a King*, &c. In anſwer to this I have theſe things to obſerve.

1. This is an illogical, and prepoſterous way of arguing, 'tis *notum per ignotius*, the Relatives are well enough known, but the Relations between the Relatives being abſtracted things, are not ſo eaſily, and in ſome caſes perhaps not at all underſtood. The Relatives Father and Son all men underſtand, and that there is a Relation between them; but there are not many, that have any formal Conception of Paternity and Filiation; the Relatives Husband and Wife are evident enough, but the Relations between them are not ſo; and for ought I know have not a name in any Language; and if they were expreſſed very few would be the wiſer, who notwithſtanding would know well enough,

enough, that there was a Relation between them. And the Caſe is the ſame with reſpect to King and Subject, and the Relations between them; the Relatives are plain and obvious, and well known, but the Relations are abſtracted things, and not ſo diſtinctly apprehended: And this is the reaſon, why ſeveral Relations have no names, and cannot be expreſſed without difficulty and artificial explication. And hitherto men have not been very inquiſitive about them, and there was no reaſon for it, as anſwering no end, or no good end, either a fruitleſs curioſity or worſe, to evade a Duty and perplex plain things. For the Relation is inſeparable from the Relative; and when you have found the Relative, you have found the Relation, where a King is there is the Relation of a King, and where is a Subject there is the Relation of a Subject; it would be a wiſe courſe, for a Son to ſeek his Father, by inquiring into the Relation of Paternity, or a Wife her Husband, by inquiring into the Relation of an Husband; at this rate we ſhould ſoon have a mad World on't, and we ſhould have as dutiful Children, and obedient Wives as we have Subjects: And this it ſeems pleaſes the Dr. beſt, he is for ſeeking the Sun in the dark, and the Subjects muſt find out their King by the Relations, which is the backſide of an Argument, and begins at the wrong end. In the *Caſe of Allegiance* the Dr. urg'd, that *Government and Allegiance were Relatives, and did* mutuo ſe ponere & tollere. And the Argument was proper and logical, if he could but have prov'd it; but when that would not do, then he is for a new ſtrein, and contrary to all methods of argumentation, is for proving the buſineſs by Relations, and would feign know, whether the *Relative continues when the Relation is deſtroyed.* And this is the difference between the Dr. before, and now, in his Caſe of Allegiance, *the Relation ceaſed with the Relative*, but in the Vindication *the Relative ceaſes with the Relation*, that is, becauſe a direct Argument cannot do it, a prepoſterous one muſt; and becauſe the notion of a *Relative* which all men underſtand, cannot be perplexed and intangled, the Dr. is for proving his point by *Relations*, which are not ſo well explained, nor put into terms, nor perhaps can be. The Relatives in all Caſes are plain enough, but the Relations between them are not ſo plain, nor are capable of being ſo; and the Dr. thought it more for his turn, when he was beaten out of the plain road to take by ways; and according to ſome new Rules of Logick, to prove a plain thing, by an obſcure one.

And this is an anſwer to his Queſtion, *what is the Relation between King and Subject?* And *let our Author think of any thing elſe, wherein to place this relation if he can, beſides Actual Dominion, and Sovereign Power on the one hand to make a King, and the obligations to Subjection and Allegiance on the other hand to make a Subject.* And what if I could not think of any thing elſe? nor of that neither? do Relatives ceaſe to be Relatives, or muſt the Corrolate go round about the wood to look for his Relative, becauſe he cannot expreſly name the relation between them. There is a Relation between Husband and Wife, Maſter and Servant; and when he tells me what is the Relation between theſe Relatives, it will be time enough to anſwer him, and when he anſwers that he will anſwer himſelf; what is the Relation between Husband and Wife; why truly if the Dr. will expreſs it Logically, it is (in fine language) *Husbandhood* and *Wifeſhip*. And ſo by way of Logical Argument, if the Relation of *Husbandhood* ceaſes the *Wife* is gone. And if a man has a mind to prove, that a Husband or Wife, are or are not ſo related,

he muſt prove it forſooth from the *Husbandhood* and *Wifeſhip*, and then it is as plain as can be, and every body underſtands it; for the Dr. tells us very Logically *the Relative ceaſes with the Relation.*

2. *That Actual Poſſeſſion of Power and Allegiance, are not the Relations which make the Relatives.* This the Dr. aſſerts, and ought to have prov'd it, (for it is the foundation of this part of his diſcourſe:) But inſtead of that, he asks a Queſtion or two; *what is the Relation of a King to a Subject? his Dominion and Government*; (Actual Dominion he means,) *what is the Relation of a Subject to a King? His due Allegiance and Subjection*; and ſo the matter is fully proved it is ſo, becauſe it is ſo; and this is very uſual with him, he takes for granted what hath moſt need to be proved; and then builds upon his own ſuppoſitions, and raiſes the force of his Arguments from them. Here he tells us, that *Government and Allegiance are Relations*, and to prove this he turns it into Queſtion and Anſwer, and in that form ſays the ſame thing over again; and then away he runs with it, and draws his Arguments and Concluſions from it. And then *Dominion makes a King, and Allegiance a Subject, and if the Relation* then *of a King to his Subjects be Dominion and Government, does he continue a King*, &c. As if this was any more proved, when it was in the form of a Queſtion and Anſwer, then when it was in a Propoſition: Well! tho he has not prov'd that Government and Allegiance are the Relations, that make the Relatives; he hath ſaid enough in all Conſcience to prove they are not ſo; for he tells us, that *By Allegiance*, i.e. the Relation that makes the Relative of *a Subject, he means that ſubjection and obedience that is* due *to Government*; that is to ſay one Relation is *due* to another, filiation is *due* to Paternity which is extraordinary fine. And accordingly he asks, *what is the Relation of a Subject to a King? His* due *Allegiance and Subjection*, and afterwards in the next page, he calls it, the obligations *to Subjection and Allegiance*. And are not theſe pure Characters of a Relation? it would ſound rarely to ſay the *Duty* of filiation, or the *obligations* of filiation. And ſo to avoid one piece of *Logical nonſenſe*, we muſt make 2 or 3. And here we are at a loſs again, on one ſide of the leaf, the Relation of a Subject, is his *due Allegiance*; on the other, 'tis the *Obligations to Allegiance*; and *due Allegiance* it ſelf, and the *Obligations to Allegiance* are two things; and which would he have us take for the *Relation*, the *Duty*, or the *Obligation?* Allegiance it ſelf, or the obligations to it? And all this blundering ariſes for want of laying down a *clear and diſtinct notion* of *Relation*, which is nothing elſe, but the reſpect the Relatives have to each other; and becauſe they have ſuch a Reſpect, thence ariſe the Reſpective Acts, Duties, and Obligations; but theſe are not the Reſpect but flow from it, and are conſequential to it. The Relation of a Father is Paternity, that is, a Father is related to his Son by being his Father, for being the Father of a Son is Paternity: But Paternal Authority, or the duty of Parents are not the Relation, but reſult from it: The Relation of a Son is filiation, that is a Son is related to his Father by being his Son. And this is the ſame in all other Relations; as the Relations of Husband and Wife, Maſter and Servant, King and Subject; the Relations conſiſt in the reſpect that the Relatives have to each other; the Relation of a King to his Subjects is being their King: But Kingly Authority is no more the Relation of a King, than Paternal Authority is the Relation of a Father, but only reſults from his Relation, and is in nature conſequential to it. But I

expect

expect the Dr. will ask me, what is the Relation of a King? But he knows well enough of the complaint of penury of words in this point; and that *Ariſtotle* ſays in ſuch caſes, we muſt invent words if it be needful to expreſs it. But it is all one to me, let him call it *Government*, *Sovereignty*, *Sovereign Power*, *Magiſtracy* or *Kingſkip*; or what he pleaſes, provided he will but obſerve theſe two conditions. 1. That the meaning of them be not extended beyond the notion of Relation, for they, and I think any other words whereby this may be expreſſed, are words of ambiguous ſignification; and as in one ſenſe they may mean the Relation of a King, ſo in another ſenſe, they may mean the acts or duties that reſult from it: Government may mean actually governing, and then it may be the Act of the Relative, or the Act of one that is not the Relative; but neither in one ſenſe, nor the other is it the Relation of the Governour; and if it means that, it is in an abſtracted ſenſe, and is not to be taken for actual Government, actual Adminiſtration, or actual Power: For no act or duty of the Relative can be the Relation; but only for the bare and naked reſpect of the Governour to the Subject; for Logicians tell us, that *Relationes ſunt nudæ formæ per quas Relata referuntur.*

2. That they only terminate on the Relative, for the *Relative* is the Subject of the *Relation*; and the Relation is the Relation of the Relative, but of no body elſe, tho he ſhould ſtand in the place of the Relative; if the Dr. likes to call the Relation of a King *Government*, be it ſo, but then it is only the Government of the true King, that is that Relation, but not of another, tho he actually adminiſters the Government of *Sovereign Power*, let it be ſo, but then it is the Power of the true Sovereign, that is that Relation, not the Power of every one that gets into the place of the true Sovereign; Paternity is the Relation of a Father, but this Relation can be extended to none but the true Father, what Power and Authority ſoever another man may get in his Family; the Relation of a Husband (call it by what name you will) is confin'd to his Perſon; and tho another man cohabits with his Wife, he does not therefore ſtand in the Relation of a Husband to her, nor ſhe in the Relation of a Wife to him.

The truth is, all the Drs. *Actual Adminiſtrations*, *actual Government*, *actual Poſſeſſion of Power* are no Relations at all, nor yet do they mean any thing, but as they proceed from the Relative. But if they proceed from any other beſides the Relative; they neither make, nor prove, nor are any ſigns at all of a Relation: Government is the Authority and Adminiſtration belonging to the Relation of a King; and when it is adminiſtred by the King, 'tis valid and authoritative, and draws the Allegiance of the Subjects after it; but if it be adminiſtred by one that is not the King, that Adminiſtration does not make him a King, nor confer the Relation, nor make him ſtand in ſuch a Relation to the Subject. All Kingly Acts receive their force and validity, as they are Acts of the King, and not as Acts of Power; and the very ſame Acts done by another are nothing at all. Actual Allegiance or the ſame Obedience that is due to the Rightful King, may be performed with the ſame fidelity, or with greater, and may be ſworn too, to one that is no King. But this does not make the Relation of a Subject; at that rate a man may be a Subject when he pleaſe, and to whom he pleaſe, and he may diſcharge himſelf as oft as he pleaſe. And I wonder what reaſon there is why actual Government ſhould make a King, any more than actual Allegiance makes a Subject; for the Dr. tells us, the Relations make the

Relatives,

Relatives, Government makes a King, and Allegiance makes a Subject: And if actual Government makes a King, then actual Allegiance makes a Subject; for according to him Allegiance is as much the Relation of a Subject, as Government of a King. This the Dr. seems aware of, and therefore says, 'tis the Subjects *due Allegiance*: But if it be *due Allegiance* that makes a Subject; then I doubt it must be *due Government* also that makes a King; and that is not meer Administration but Lawfull Authority.

3. That actual Administration of Government, or actual Possession of Power, and Allegiance do not *se mutuo ponere & tollere*. Here the Dr. tell's us, *They have a mutual and necessary respect to each other; Allegiance has as necessary relation to Dominion, as Subject to a King; if there be no King, there can be no Subject, if no Dominion and Government there can be no Allegiance*: By this he means
P. 38. *actual Dominion*, as he says afterward, *where actual Dominion and Government ceases, the Kingship is lost and the obligations to Subjection and Allegiance with it.*

Now it would be sufficient here to turn the Drs. Argument, and Questions upon himself, and to ask as he does, what are the *Relations* between actual Government and Allegiance: For it seems they are related as much as the Relatives themselves. He tells us indeed, that Government and Allegiance are the Relations between King and Subject. But I desire to know what are the Relations between Government and Allegiance; for these it seems have a *mutual and necessary respect to each other*. Now 'tis egregious *Logick* to talk of the Relation of a Relation; and this is *Progressus in Infinitum*: For if there are Relations between the Relations, then what are those Relations between them? for those Relations must have *as mutual and necessary a respect to each other* as the former Relations, and so on without end. And this is pure disputing, and shews the vanity of such new methods of argumentation; hitherto men have been satisfied, that the Relations are between the Relatives, and there was an end; but to talk of Relations between Relations is absurd and ridiculous, and makes the Question everlasting.

But as to the mutual being and ceasing of actual Government and Allegiance, as to the reasons against it, something hath been said before, and more will be said presently. I shall now only shew the absurdity of it from example, but it is such a one, as evidences the falsity of this assertion, and the fallacy of the Drs. Reasonings to support it better than any Arguments or trains of discourse. It is the Case of that glorious Martyr King *Charles the First*. Now if this be true then when King *Charles* was kept Prisoner at *Holdenby*, *Hampton Court*, *the Isle of Wight* and *St. James's*; He ceased to be King, and the People of *England* owed him no Allegiance, nor were his Subjects. For I suppose, *actual imprisonment* is not *actual Possession of Power*. And so it seems the High Court of Justice was in the right, and they did not murder their King, but only *Charles Stewart*: For tho the *man was in being the King was gone*, and went away with his actual Power. And the Dr. afterwards, *for when God has taken away his Government, he has taken away his Authority to govern; for God never gives the Civil Authority, without the Civil Sword.*

The actual Possession of Power, and the Duty of Allegiance are Relations at least; and (saith the Dr.) *if the Relation of a King to his Subjects be Dominion and Government, does he continue a King, when he has lost his Dominion and Government, or do his Sub-*

Subjects continue Subjects when he ceases to be King? And so by plain dint of Argument it seems King *Charles's* Government was at an end some time before that horrid murder; and no duty of a Subject was owing to him, *for one Relative cannot subsist by it self without its correlate.* Now the short of the matter is this, either King *Charles* was King notwithstanding his imprisonment; and notwithstanding his being divested of all *actual* Power, or he was not, if not then the attempting his life what crime soever else it might be, was not Treason, nor within the Stat. of the 25. *Edw.* 3. And the Indictment of the Regicides upon that Stat. was faulty, and they ought to be indicted, not as Traytors, but as Murderers. But if he was King all that time, then actual Possession of Power, actual Administration, and actual Government, and the Allegiance of the Subject, have not such a mutual and necessary respect to each other, as that the Allegiance of the Subject ceases upon the Princes not being in the Possession of actual Power. Something of this I had said before in the Case of *Joash* 'That Allegiance was due to him 'before he actually administred the Go- 'vernment; nay, when an Usurper a- 'ctually administred it, and so it was 'to *David* when he fled out of the 'Country. — But the Dr. it seems would trouble his readers no more about that case. But here is another Case, tho the reason be the same, and if he please he may trouble himself to answer it, and acquit himself from the Infamy, that that Case charges upon his Doctrine and Arguments.

Postscript p. 10.

In the mean time, how is the Doctrine he delivers here agreeable to the Answer he gives, with respect to the times of Usurpation between 48. and 60. I had told him, that his account of a Settlement would fit *Cromwel* and those Usurpers; and tho he had mention'd some differences, yet they made no difference in the Argument. This the Dr. denies, and says they were not setled according to his account of a Settlement not having a national consent; and therefore they might, or they might not submit; it was lawful, but not necessary nor matter of Conscience, and they might be determin'd by their honour or interest; well suppose all this, and that those Usurpers were not so setled, were not each of them actually possess'd of Power, Did they not *actually* administer the Government? And this the Dr. (in that very answer) expressly asserts, *That the Power of the Nation was for some time in their hands*: And if it was in their hands then they *actually possess'd it*, and for the time they possess'd it, they must (according to him) be Sovereigns, at least Sovereigns of Gods making, and the Allegiance of the Subject was so long due to them. *For it is as certain as any proposition in Logick, that actual possession of Power and Subjection are relations, and have a mutual and necessary respect to each other*, and that *Dominion and Government makes a King*. But then what becomes of the fine pretences of Honour, Interest, and his notion of a thorough Settlement; for if these Usurpers were not setled according to his account of a Settlement, they were possessed of Power according to his account of Possession of Power: And if *Actual Government* makes a King, *Cromwel* was a King, and had the Relation of a King; and the People were bound in Conscience to submit to him; and then I would feign know how the Drs. *Honour and Interest* would excuse them. Now tho the Dr. will not allow me, that his account of a thorough Settlement, fits *Cromwel* to all intents and purposes, his Account of Possession of Power, and administration of Government, *fits him just as if it had been made for him.* Now (to say no more) this is as great a Reflection upon those Worthies of our

Vindic. p. 69.

Church

Church and Nation, as I had charg'd upon his account of a thorough Settlement. Well! but this I ſuppoſe *is a prejudice and no argument*: But I will tell him what is an argument, and directly againſt him; and that is, that his Anſwer *there* is a plain contradiction to all his Arguments and Aſſertions *here*; and I pray him to reconcile them. He hath given us a great many diſtinctions already, but none of them will ſerve the turn; and if he pleaſe to find out one more to make his Anſwer there, and his Doctrine here to agree. For if actual Poſſeſſion of Power, and Allegiance have a mutual and neceſſary reſpect to each other, let him tell me, if he pleaſe, why the *Rumps* and *Cromwels* actual Poſſeſſion of Power, and the Subjects Allegiance had not as mutual and neceſſary reſpect to each other, as the Actual Poſſeſſion of Power by any other Uſurper.

The Dr. (by way of objection to what he had ſaid) ſays, *All that I know that can be ſaid in this Cauſe (and which thoſe men muſt ſay, who make Allegiance inſeparable from Right) is only this, that the Relation continues as long as the* fundamentum Relationis, *that whereon the Relation is founded continues, and that being a Legal Right, while this Right remains, ſuch a Legal King, tho he be fallen from Power is King ſtill, and Subjects are Subjects ſtill, and owe Allegiance to him.* By this time, I ſuppoſe, the Dr. may *know that ſomething elſe may be ſaid in this Cauſe:* And I know no manner of neceſſity why we muſt ſay ſo now; for the ſingle queſtion is whether Actual Government and Allegiance, are the Relations that make the Relatives, and do *mutuo ſe ponere & tollere*: And this may be ſufficiently determin'd without mingling the *Fundamentum Relationis* in the diſpute. But this objection he made for his own ſake; and tho it be not needful for us to ſay, *that the Relation continues, as long as the* Fundamentum Relationis *continues*, it was very needful for him to ſay ſo. And it is the very anſwer he gives, to what I ſaid to prove, that Actual Government and Allegiance do not *mutuo ſe ponere & tollere, if a Subject be taken captive, or otherwiſe hindred from paying actual Allegiance, is the Relation loſt, and does he therefore immediatly ceaſe to be a Subject? And therefore neither doth a King, if he be hindred from the Actual Adminiſtration of Government, ceaſe to be a King; but hath the ſame Right to our Allegiance in, and out of Poſſeſſion.* To this the Dr. replies, *theſe two caſes are not parallel, in the firſt caſe, tho the Subject is taken captive; yet* the Foundation of the Relation is not deſtroy'd, *for his Prince is on his Throne ſtill in the Actual Adminiſtration of Government, tho he be violently torn from him, ſo that his Relation may continue, becauſe he has a Prince to whom he is related. But when the Prince is fallen from his Kingdom and Power,* the Foundation of the Relation *is at preſent deſtroy'd.* And now we ſee the meaning of the Drs. objection, which was not to anſwer an objection of ours which we never made, nor need to make, but to prepare an Anſwer to an Argument, which otherwiſe he could not Anſwer. But for all this artifice he muſt have a good hand at reconciling contradictions, that can reconcile this Anſwer with his foregoing aſſertions. The Foundation of the Drs. Argument is, that *Government and Allegiance are Relations, and do* mutuo ſe ponere & tollere; and then the ceaſing of Allegiance deſtroys the Relation of Government, as much as the ceaſing of Government deſtroys the Relation of Allegiance; and when a Subject falls from his Allegiance, he diſſolves the Relation of the Prince to him, as much as the Princes falling from actual Government, P. 40.

ment, diſſolves the Relation of a Subject. For this I take to be the meaning of *mutuo ſe ponunt & tollunt*. But the Dr. whatſoever he had ſaid the leaf before, is now for making a *ſingle* not *mutual* Reſpect of it: *The Prince is in the Throne, and in the actual Adminiſtration*; and therefore the Subject is the Subject ſtill, whatſoever becomes of his Allegiance, and that is nothing deſtroys the Relation between King and Subject, but the Princes loſing actual Government; but then what becomes of *mutuo ſe ponunt & tollunt*, and *Actual Government and Allegiance, having a mutual and neceſſary reſpect to each other*? that is not for me to know, and the Dr. may reconcile it, and if he pleaſe he may take his *Fundamentum Relationis* along with him to help him out. And yet after all I muſt confeſs the Dr. has given a very good anſwer; for he ſays, that *the King is on the Throne ſtill, tho the Subject is violently torn from him, and the Relation may continue, becauſe he has a Prince to whom he is related*, and this is certainly true. But then it follows, the Relation of a Prince may *continue*, becauſe he has *Subjects* to whom he is related, for *mutuo ſe ponunt*, as well as *tollunt*: And if the Relation of a Subject continues, tho he be violently torn from his Prince, the Relation of a Prince continues, tho he be violently torn from his Subjects; for the reſpect is *mutual*, and the King hath no more Relation to the Subject, then the Subject to the Prince. But this ſame actual Adminiſtration ſerves many purpoſes: In the Caſe of Allegiance it was a *Relative*, a little before it was the *Relation* that made the Relative; and now it is *Fundamentum Relationis*. And what will it be next? In the *Caſe of Allegiance*, it was *as certain as any propoſition in Logick* that *Actual Adminiſtration of Government and Allegiance were Relatives, and did* mutuo ſe ponere & tollere three pages before it was *as certain as any propoſition in Logick*, that they were Relations and did the ſame thing; and *now* 'tis as certain as any propoſition in Logick, that actual Adminiſtration does all the *mutual* buſineſs it ſelf. And it is as certain as any Propoſition in Logick; that when men leave the plain and beaten paths, they get into a wood, and know not how to get out again.

And now it is time to come to his Anſwer; and when he had made us ſay what he pleas'd, and tells us moreover we *muſt* ſay ſo, one would have thought that at leaſt he ſhould have anſwered that. But he will not vouchſafe any clear and plain anſwer to his own objection: For to a *Legal Right being the* Fundamentum Relationis; He thus anſwers, *Now to ſhorten this diſpute, I ſhall only obſerve, that a Legal Hereditary Right is not the* Fundamentum Relationis. And what then! *Legal Right* may be the *Foundation* for all that. There are different kinds of *Legal Right*, and an *Hereditary Right* is one; the objection is general of a *Legal Right*, and the Anſwer is *ſpecial* of one of the *Species*. But let us hear his reaſon, *for then there would be no Foundation, for this Relation between Prince and Subjects in any but Hereditary Kingdoms*, and why ſo? are there no *Legal Rights* to Government in any but Hereditary Kingdoms? and may not an *Hereditary Right* in Hereditary Kingdoms be the *Foundation* of the Relation, not as 'tis *Hereditary*, but as 'tis *Legal*, and other *Legal Rights* be the Foundation in other Kingdoms? But (ſaith he) *the ſame Relation can have but one Foundation*; very well, and then an *Hereditary* Right cannot be the Foundation, but a *Legal* Right may. For the *Foundation* may be one as 'tis *Legal*, tho divers as 'tis Hereditary, or Elective: But (ſaith he) *there* P. 39.

are a great many ways whereby Princes are advanced to the Throne, an Hereditary Right, the Election of the People, the nomination of God, a Divine Entail and Conqueſt, which very much differ from each other; And what if they do differ in other reſpects: They may not differ as to their being *Legal*, for a Prince advanced to the Throne any of theſe ways, or any other, may have a *Legal* Poſſeſſion of it; (And we are not now diſputing when *Conqueſt* becomes a *Legal* Title) But *if all theſe be different foundations there muſt be different kinds and ſpecies of Kingſhip.* That may very well be though not becauſe the foundations are different in this reſpect: Different Laws and Conſtitutions may make different kinds of Government, though all theſe kinds are *Legal* according to the differing Laws of the reſpective Countries. And I wonder what the Doctor means when he immediatly adds, *whereas the Relation between King and Subject is the ſame in all?* Now he tells us, that Government is the *Relation* of a King, and Allegiance the *Relation* of a Subject, and if the Relation be the ſame in all Countries, then Government and Allegiance are the ſame in all Countries. And that is, that the Government and Allegiance in *Poland* is the ſame Government and Allegiance with that in *England*, and both the ſame with that in *Turkey*, and all *three* the ſame all over the World. Now I always thought, that the *Engliſh* Government, and the *Engliſh* Allegiance were founded on the *Engliſh* Laws and Conſtitution; as the Government and Allegiance in other Countries, were founded on their reſpective Laws. And then the foundation of the Relation between Prince and Subject, is the reſpective Conſtitution of each Country; which though they differ ſpecifically, as they are different Laws, yet they agree in the general as they are Laws. Now ſaith the Doctor, *we muſt find out ſuch a foundation for this Relation, as will ſerve all Sovereign Princes*; very well! and here we have found it, and that is the Laws of each Country. But this will not ſerve the Doctor; and therefore he ſays, *and that can be no other but the Authority of God, by which Kings Reign, and to which Subjects owe Obedience*: Very well, and grant him that too, the Queſtion ſtill returns, Is the Authority of God the *foundation* of this Relation abſtracted from the Laws of each Country, or annexed to them? if abſtracted from the Laws, then Government and Allegiance are the ſame in all Countries; for where the foundation of the Relation, and the Relation are the ſame, the Government conſtituted upon that foundation, and the duties flowing from that relation are the ſame likewiſe: But if they are not the ſame, as 'tis plain they are not, then whence ariſes the difference, not from the authority of God abſtracted from Laws (for that is the ſame in all Countries) but from the different Laws; and then the Authority of God is the foundation of this Relation, as that Authority is annexed to the reſpective Laws of each Country; there is a plain difference in this matter all over the World; and Subjects in one Country are bound in Conſcience to obſerve Duties of Relation differing to what Subjects are bound in another; and let the Doctor if he can give any other reaſon for it.

The Doctor indeed tells us, that *this is not always annexed to a Legal Right, but is always annexed*

to

to a full and ſettled poſſeſſion of the Throne. No man can have God's Authority who has not the actual Power and Authority of Government. But this is *gratis dictum*; and if the Doctor will give me leave, I ſhould rather believe, that God's Authority was with King *Charles* the Second in baniſhment, than with *Cromwell* who was poſſeſs'd of his Throne: *for God's Authority is the Authority of Government*; it is ſo, but it is the Authority of a *Legal* Government; Illegal Government is no more God's Authority, than Injuſtice and Unrighteouſneſs are God's Laws. But *when Princes fall from Government*, i. e. when they cannot actually govern, *ſo far they loſe God's Authority*; but that does not follow, for God's Authority is annex'd to the lawful Governors in and out of Poſſeſſion; as it was to *Joaſh*, *David*, and King *Charles*, tho each of them was hindred from actual Adminiſtration, by the reſpective Uſurpers that poſſeſs'd their Thrones.

The Doctor adds, *I grant in all other Relations, where the Relation it ſelf does not conſiſt in the Authority of Government, nor the foundation of the Relation ceaſe by falling from the actual Authority of Government, the caſe is different.* What does he mean? That the Relatives, or (as the Doctor will have it) the Relations of King and Subject do only *mutuo ſe ponere & tollere*, or that when the foundation of that Relation ceaſes, that *Relation ceaſes*; but it is not ſo in all other Relations: he tells us, that Authority is the Relation of a King, and God's Authority is the foundation of that Relation; and that when theſe ceaſe, the Relation ceaſes and the Kingſhip is loſt. And then tells us, the *Caſe is different*, i. e. to my underſtanding this caſe differs in other Relations: now tho there is a difference between the Relation of King and Subject, and other Relations, yet as to their mutual being, and ceaſing, there is no difference; and that I think is the Caſe, and was the Caſe I put, and which the Doctor here refers to. *To ſay that actual Adminiſtration of Government and Allegiance are Relatives, is to ſay that the actual Government of a Maſter and the Obedience of Servants are Relatives; ſo that if a Maſter be ſpirited away, or taken captive, ſo as he can give no directions in his Family nor actually govern it, his Servants ceaſe to be his Servants, and the Relation is extinct*, &c. And here let us try the Doctor's Argument; *Now tho the Government of the Maſter, and the Obedience of the Servant, are not Relatives, yet they are the Relations that make the Relatives, and do* mutuo ſe ponere & tollere; *for what is the Relation of a Maſter to a Servant? his Dominion and Government: and what is the Relation of a Servant to his Maſter? his due Obedience and Subjection: then Dominion and Government makes a Maſter, and Obedience a Servant; and Obedience has as neceſſary a Relation to Government, as a Maſter has to his Servant; if no Maſter, there can be no Servant; if no Government of a Maſter, no Obedience of a Servant; for if the Maſter can't command, the Servant can't obey.* And let me ask the Doctor's Queſtion, *What is the Relation between Maſter and Servant? let him think of any thing elſe if he can, wherein to place it, beſides the actual Government of a Maſter on the one hand to make a Maſter, and the obligation to ſubject him on the other hand to make a Servant; then where the actual Government of a Maſter ceaſes, his Maſterſhip is loſt, and the Subjection of his Servants with it. The Man is in being, but the Maſter is gone.* Now upon this way of arguing I doubt the abſurdity will follow which I urg'd upon him before, that if a Maſter, after his Captivity, return to his Liberty, and to his Family, his Houſe and Family are beſtowed upon another Maſter that will govern it, for they have nothing more to do with him; the Relation was only between his actual Government and their Obedience, and according to the Doctor in his new book, *when the Relation is deſtroy'd the Relative ceaſes.* Now to evade this I ſuppoſe the Doctor ſays, *The caſe is different in all other Relations*; for he immediately inſtances *as between Parents and Children, Maſters and Servants, where the Relation is founded in nature, or purchaſe, or civil Contracts under the ſuperior Direction and Government of the Civil Authority, tho the Maſter of a Family, as he ſays, be ſpirited away, or taken Captive, his Servants, Houſe and Family, do not preſently fall to the lot of the next Poſſeſſor, but muſt be diſpoſed of by the Laws of the Country, and the Authority of the Prince; for ſuch private and peculiar Intereſts are ſubject to publick Laws and a ſuperior Authority.* This is true enough, but no Anſwer; for the preſent Queſtion is whether actual Government and Obedience be Relatives, or in the Doctors new language Relations, and do *mutuo ſe ponere*

Poſtſcript p. 9.

re & tollere: if the Doctor would have given a direct Answer to this, it would have shew'd the weakness and inconsequence of his Argument from Relatives and Relations. But instead of that he turns off to another business, and gives a Reason why a man's House and Family does not fall to the next Possessor, because the Laws of the Country have provided for it; and so they have; and have not the Laws of the Country provided for Alleg. also? and I would fain see a Reason why the Alleg. of the Subject is not under the direction of the Law, as well as his House or Estate? or why the Government must fall to the lot of the next Possessor, any more than the Subjects House or Family? For all Property is founded in Right, as well the Kings Property as the Property of the Subject, and the Law hath taken as much, and a great deal more care of the Property of the King, than of that of any of the Subjects. And I wonder why the Law should not do the King Right as well as the Subject. And this is no more than the Consequence of what the Doctor himself asserts, for he tells us the dispossessed Prince hath still the *Legal Right:* and if he hath the *Legal Right*, then the Law would restore him to the possession of it, if the Law might take its course, and was duly observed. But (saith the Doctor) *The Authority of God is at his own disposal*; right, and so is every thing else at God's disposal as well as Authority; and the Doctrine of Providence sufficiently proves it. But that does not make every man's House or Family fall to the lot of the next Possessor, but they must notwithstanding be dispos'd of by the Laws of the Country. But then why does it make the Crown fall to the lot of the next Possessor? Are there no directions of Laws for that as well as for the other? The Doctor's Reason, *when the Kings Sovereignty*, i. e. his actual possession of the Government, *is lost, there is no higher Tribunal to appeal to, but to God, who removeth and setteth up Kings*, is fallacious; for the Law is to be *appeal'd* to, which determines the Rights of Kings, and secures them too, as well as the Rights of the Subject. *Richard* Duke of *York appeal'd* to the Laws, to make good his Right against *Henry 6.* and the Laws carried it against the Possessor. But it seems the Law secures the Subjects Right out of Possession, and will do him justice, and help him to recover it; but for a King out of Possession, the Law makes him a Right indeed; but he must get into the Possession of it when he can, the Laws can lend him no assistance; and tho it does Right to every man else, it will do him none.

The Doctor comes to my third Reason against his Distinction about a Divine Entail, with respect to the Case of *Joash*, which was, *The Doctor's Distinction is against him; 'tis true God did entail the Kingdom of* Judah *on the Family of* David, *and for that reason they ought not to submit to an usurper: but this is so far from being a reason why they may submit to one in other Kingdoms where Entails are made by Laws, that it is a reason and a very good one why they ought not.* Postscript, p. 10.

Here the Doctor tells me I mistake the n[illegible] of his Distinction, and the substance of what he says is, *Which was not to prove that the Subjects might not submit to any other providential Kings when there was no King by such Entail, or no such King was known; but it was to shew, that when God nominated a new King, or discovered the right Heir, the Reign of such providential Kings was at an end, and the Subjects may and ought to depose or kill them:* that is to say, they ought to be kill'd for being God's providential Kings; for that is the Crime, and I would fain have the Doctor tell me how Gods gift becomes a criminal and capital Offence; God makes them Kings, and they ought to be knocked on the head for being so; for what are they to be kill'd for but their Usurpation? and it is a pretty odd reason, that a man ought to be put to death because God hath made him a King, and given him his Authority. Their knowing the right Heir makes no difference; for tho that may justifie the deposing the Usurper because there is a better Right to the Crown, yet what justifies the slaying him? for so long as he possesses the Throne (*long or short as God pleases*, as the Doctor says, yet so long as he possesseth it) he has a Right from God, and a providential Title. But then why would not God's Right as well save his life, as justifie his Government. The Doctor says indeed that *whatever Authority Athaliah had before, when Joash was anointed* Case of Alleg. p. 26. Vindic. p. 30.

anointed she sunk into the state of Subject, and then to kill her was not to kill a Queen de facto, *but a Subject who had been an usurper, but now was a Subject again.* Right; but was it not to kill her for having been a Queen *de facto*, i. e. for having a Right and Authority from God to govern *Judah* for six years; but saith the Doctor, and *therefore no Fidelity and Allegiance was due to her.* And what then? May every Subject be kill'd because no Fidelity and Allegiance is due to them? According to him, they *ow'd her Fidelity and Alleg.* when she administred the Government: And it is a strange Reason that they ought to kill her for that very thing for which they ow'd her Fidelity and Alleg. Will the same thing deserve Death and Alleg. too, nay will it deserve Death for the same Reason for which it deserv'd Alleg. i. e. *the possession of the Throne.* But to return.

The Doctor pretends to make a mighty difference as to the use of his distinction, in their *having no King by God's Entail, or their not knowing of such a King,* whereas this neither concerns the Case of *Joash* and *Athaliah*; *Joash* was their King by such Entail, and the Doctor justifies the submission of *Jehoiada*, who knew of such a King, notwithstanding his Distinction and the use he would make of it. Nor does it affect the Case in dispute; for who doubts but Subjects may submit to the Possessor, if they have no legal King, or know of none; but the Question is, Whether they may lawfully do the same, when they have a rightful King, and know it: and whether a humane Entail does not make a rightful King in other Kingdoms as well as a divine Entail did in the Kingdom of *Judah?* and consequently whether Subjects in other Kingdoms can lawfully submit and own the Authority of an Usurper when the right Heir is living and known, any more than they could do so in the same circumstances in the Kingdom of *Judah.* And that they cannot, I think I have sufficiently prov'd; and let us see what the Doctor says to disprove it.

My reason was, 'For God's entailing the 'Crown of *Judah* was the Law of that King-'dom in that respect, and the People of 'other Kingdoms are as much bound to ob-'serve their own Laws, as the People of *Ju-'dah* were theirs. All humane Laws that are 'just bind in Conscience, and (according to 'the Doctor's own Principles) those Laws 'were made by God's Authority. So that 'the Doctor mistakes the Question; we do 'not oppose humane Laws to God's Authori-'ty, but we oppose Laws which are made by 'God's Authority, and which are Rules to us, 'to Providence, which is no Rule. When 'God entail'd the Crown upon *David*'s Posse-'rity, they had then a legal Right to it, and 'so hath every family in other Kingdoms, up-'on which an Entail is made by the respe-'ctive Laws of the Country. Thus far the Doctor hath repeated; but there is something else that I added, which is both a proof and illustration of this matter, and which it seems the Doctor did not care to meddle with. And it is this; *King* Charles *the Second had as good a Right to the Crown of* England *as* Joash *had to that of* Judah, *and* Cromwell's *usurpation was no more a bar to him, nor gave him by his possession of the Throne, any more Right to our Alleg. than* Athaliah's *was against* Joash, *or than her possession gave her a Right to the Alleg. of the People of* Judah. This I thought was a pertinent Example to illustrate and confirm the truth of what I have said, and perhaps the Doctor thought so too, and therefore let it alone. This to *my understanding* (which the Doctor is satisfied is not very good) would have brought the controversie home; and if the Doctor would have answered directly, he must either have asserted that King *Charles* had not as *good* a Right to the Crown of *England* as *Joash* had to that of *Judah*, or else he must have forsaken his Distinction, and I now give him notice of it, and desire him in his next to give me a plain and categorical Answer to it.

Postscript p. 10.

Vindic. p. 71.

In the mean time let us consider what Answer he hath made to so much as he hath taken notice of; but here he is at the old trade again, of asking twenty Questions instead of answering one. *But* (saith he) *what would our Author prove from this? That in every hereditary Kingdom the legal heir has a legal Right to the Crown as well as in* Judah; *and did I ever deny it?* No Sir, you did not deny it in direct terms, but you have done as good as deny it; for you allow he hath a legal Right still; but then it seems it is such a Right, as those

those Persons who next to himself are most concern'd in it, are bound to keep him from it: for what legal Right hath a King of any Kingdom, but by the Laws of that Kingdom, and whom do the Laws of that Kingdom respect but the People of that Kingdom; and if the People who are under the immediate direction of those Laws are bound to do him no Right, nay are bound to oppose it, then he can have no Right done him by vertue of the Laws that give him his Right, and that I think is equivalent to no Right at all.

P. 26. The Doctor in his *Case of Alleg.* gives a pleasant account of this matter; He tells us, That God's Providence (in setting up an Usurper) *does not divest the dispossessed Prince of his legal Right nor forbid him to recover his Throne, nor forbid those who are under no obligations to the Prince in possession, to assist the dispossessed Prince to recover his legal Right.* That is to say, a Foreigner who is not concern'd in the Laws of the Country, may do the Prince Justice according to the tenor of these Laws, when the Kingdom whose Laws they are, are in Justice and Conscience bound to the contrary. The Prince hath his legal Right by the Laws of the Land, and the People are under the direction and obligation of the Laws of the Land. And if the Laws have any effect, in all reason it must be on the People whose Laws they are; and it is unaccountable how a Stranger may justly give the Prince his Right according to the Laws of the Land; and yet the People whose Laws they are, cannot in justice do it, nay are bound in conscience to hinder it as much as they are able; it is as much as to say, that a Judge and Jury whose proper business it is ought not to do Right to the oppressed, but the Mob, or any body else, may justly do it. I know an injur'd Prince may crave aid of a Foreigner, and he may justly assist him, but it is in those cases only, where his Subjects are bound to do him Right, but will not. But I would fain know how it is righteous in a Foreigner to do Right according to the Law of the Land, and yet unrighteous in the People to do it, nay very righteous to oppose it. But the Doctor hath given us such a Legal Right that never was heard of, A Right in Fiction and *in nubibus*, which neither hath nor can be executed by vertue of the Laws, nor the Provisions it makes. The Law makes a Right, and every person within the compass and extent of those Laws is bound to oppose it; but any body else, who is out of the bounds and power of the Law, may honestly effect it: in short, it is such a legal Right, which is under the cognizance of foreign force, but out of the notice, power, or obligation of the Laws that make it: it is such a legal Right which justifies any person, who is not concern'd with the Laws, to establish it. But those who are under the direction of the Laws by which the Right is, are bound to prevent it. And that is, it is a legal Riddle, which no body can expound.

The Doctor goes on with his Questions, *Or* (would he prove) *that the standing Laws of every Country are the Rule for Subjects in setting up Kings, when it is their own Act and Choice, and who denies this too?* Now I am not very well satisfied with the wording of this; *Free Act and free choice* in setting up Kings, is not very suitable to hereditary Kingdoms; and in the same manner he expresses it a little after, *No man ever deny'd but that in making Kings, Subjects are bound by the Laws of the Land when it is their own free and voluntary Act.* But supposing he means innocently however he hath express'd it: This I say, if it be the Duty of Subjects, and they are bound to own their legal King, then how comes the contrary to be their duty, and they are bound to disown and reject him. Force I grant may suspend a Duty, and hinder the performance, but can never make it none, or alter the nature of moral duties. This is a pure account of a moral duty; it is the Subjects *duty* to own the King by legal Right when they are free, but when they are under force it is their *duty* to kill and destroy him. If it be a duty when they are free, how comes the contrary to be a duty when they are under force. The being free, and being under force, makes some difference as to the actual performance, but none as to the habit and obligation; while the force continues the Act is suspended, but the habit remains and the obligation continues; and if it be a duty when they are free, 'tis a duty also when they are under force. And the *free choice*, and *voluntary Acts* the Doctor speaks of is no difference in the duty, tho it may be in the performance of it. Alleg.

was

was due to *Joash*, and to *Charles* the Second, all the time of their diſpoſſeſſion, tho their Loyal Subjects, who were under the force of the Reſpective Uſurpers could not perform it. The Dr. ſays, *his Hypotheſis is not concern'd in this Queſtion.* But I think it is, and that conſiderably: for if the Queſtion be admitted, that the Subjects are bound to own and adhere to the King by Legal Right, when they are free, I would fain know how they become bound to the clean contrary, to diſown him, and reject him, when under force, how it is their *duty* in Conſcience to ſet him up when free; and their *duty* in Conſcience alſo, to deſtroy him, and kill him, when under force. But of this before.

As to what the Dr. ſays, *that no man ever deny'd, but that in making Kings, Subjects are bound by the Laws of the Land, when it is their own free and voluntary Act:* I ſhall leave him to diſpute the Point with the Convention: And becauſe we are upon Queſtions, he may anſwer theſe Two when he pleaſe: 1. Whether the ſetting up King *William*, and *Mary*, were not their own free and voluntary Act? And, 2. Whether it were agreeable to the Laws of the Land, or in the Drs. own words, Whether they made the Law their Rule? If he anſwers the Firſt affirmatively, and the Second negatively, 'tis plain *Satyr* and *Invective* againſt them; and the Convention, I ſuppoſe, will not take it well from him, as he ſays, the complying *Nobility and Gentry will not take it well* from me (*p.* 65.) if he anſwers both affirmatively. His Hypotheſis of *Illegal and Uſurped Powers* is a meer trifle, and ſhews only how the Dr. can diſpute about nothing to the purpoſe.

The Dr. hath not done with his Queſtions; but hath three or four more, which I am not concern'd to repeat; nor can I gueſs for what end he made ſo many Queſtions, or any at all: He asks indeed, what I would prove; and then fills a whole Page with Queſtions. But he underſtands it well enough: for immediately after his Queſtions, he adds, *The ſumm of his Argument is this, that a Humane Entail of the Crown, made by the Laws of any Country, does in all Caſes, and to all intents and purpoſes, as much oblige Subjects, as a Divine Entail, which is only the Law of the Kingdom too: for the People of other Kingdoms are as much bound to obſerve their own Laws, as the People of* Judah *were theirs.* Now if this be that which I would prove, what need was there of ſo many previous Queſtions, to entangle a plain thing; and I own this is that which I would prove; only I except againſt *his all Caſes, and to all intents and purpoſes*, which are his words and not mine; and I will no more anſwer for his ſenſe, than he will for mine: My words are *as much bound*, which the Dr. ſums up too; and adds, *in all Caſes*, and *to all intents*, &c. *as much oblige*: whereas it is enough if they oblige *as much* in the preſent Caſe, and to the Preſent purpoſe, without running any further. And I do aſſert, that Entails of the Crown made by Humane Laws, do *as much* oblige the Subjects to own the Authority of their Rightful King by thoſe Laws, and to diſown the Authority of an Uſurper, as the Entail of God upon the Poſterity of *David*, did oblige the Subjects of *Judah*, to own *Joaſh*, and to Depoſe and Slay *Athaliah*: and let us ſee what the Dr. hath to ſay to it.

He replys, *The Diſpute in general, about the Authority and Obligation of Humane Laws, is very impertinent to this purpoſe; for no man denyes it.* Very well: but I doubt they muſt oblige as much, and in ſuch Caſes only, as will fit the Drs. turn. *But yet* (ſaith he) *we think Divine Political Laws, much more ſacred, and univerſally obligatory, than any meer Humane Laws, tho made by men, who have their Authority of Government, and conſequently of making Laws from God: and I believe the Author is the firſt man who has equalled Humane Laws, with thoſe Laws which are immediately given by God.* Now I thought the Dr. had ſome fetch in putting in theſe ſame *in all Caſes, and to all intents and purpoſes.* But did I ever ſay, that *meer Humane Laws*, were as *ſacred* as Divine Laws? but as to their obligation, the Subjects in other Countrys are *as much* oblig'd to obſerve their Political Laws, as the People of *Judah* were theirs; tho the one is made by God himſelf, and the other by his Authority. And this for the Reaſon that I gave; becauſe *all Humane Laws that are juſt bind in Conſcience.* And need the Dr. be told, what is the meaning of Humane Laws binding *in Conſcience*, which hath an immediate Reſpect to the Law of God. And the formal Reaſon that Hu-

Humane Laws oblige *in Conſcience*, is not, becauſe they are *meer* Humane Laws (as the Dr. hath a mind to phraſe it) but becauſe it is the declared Will of God, they ſhould be obey'd; and the obligation *in Conſcience* to Humane Laws, is reſolv'd only into the Law of God. And I hope the obligation may be equal with reſpect to the Law of God, tho the Laws themſelves are not equal *in all Caſes, and to all intents and purpoſe.* And I wonder where is the ſingularity of aſſerting this, as the Dr. out of extraordinary candor hath a mind to inſinuate.

But (ſaith he) *the Diſpute between Divine and Humane Laws, and a Divine and Humane Entail of the Crown, are of a very different nature, tho they be both the Laws of the Country for which they are made:* i. e. tho they are both Laws, and tho they both receive their binding power as they are Laws: and tho the difference the Dr. contends for, is, that the one is a Law of God; and the other is a Law of man: Yet it ſeems the Diſpute about Laws would not ſerve the Turn; and therefore they muſt be conſidered not as Laws, but as *Entails*; tho I muſt confeſs, I can ſee no difference in that: for if they are Entails, they are Laws; and they are Laws, as they are Entails. And I do not very well ſee how their Conſideration can be ſever'd, or what need there is for it. But for

P. 43. all that, the Dr. tells us, *it will eaſily appear, if we compare God's making Kings by a Providential Settlement of them in the Throne, with a Divine, and with a Humane Entail. A Divine Entail is God's ſetling the Crown on ſuch a Family by the expreſs Revelation of his Will; and tho God ſhould after this, ſettle a Prince in the Throne by his Providence, to whom the Crown did not belong by this Entail, ſuch a Providence will not juſtifie Subjects, in ſubmitting to ſuch a Providential King, when it is in their Power to ſet the Right Heir upon the Throne: for this would be to expound Providence againſt the expreſs Revelation of God's Will: But a Humane Entail, is only a Providential Settlement of the Crown on ſuch a Family; and what is ſetled only by Providence, may be unſetled by Providence again: for where God makes Kings only by Providence, he can unmake them by his Providence alſo, and make new ones.* And what is all this to the Purpoſe? and what ſignifies this tedious Relation of his *Hypotheſis*, which we muſt have at every turn? And what is this, to the difference of the diſpute between Divine and Humane *Laws*, and Divine and Humane *Entails*? All that concerns that, is that *a Divine Entail is God's Providential Setling the Crown, by the expreſs Revelation of his Will:* i. e. it is a Divine Law. And a *Humane Entail, is only God's Providential Settlement of the Crown on ſuch a Family*; and that is, he hath ſetled it by a *Humane Law*. And I would fain know, whether it binds as an Act of Providence, or as a Law. But it ſeems the Laws of Entail, are to be ſubmitted to, not as *Laws*, but as *Providences*. And if we muſt talk in this Cant, I ſay, that a Divine Entail, is God's Providential Settlement of the Crown, by expreſs Revelation; that a Humane Entail is God's Providential Settlement by a Humane Law, but *Uſurpation* is a bare Act or Permiſſion of Providence, and no Settlement of the Crown at all. And why does a bare Act or Permiſſion of Providence, defeat a Providential Settlement by Humane Law, any more than it does a Providential Settlement by Divine Law? The Dr. ſays, *what is ſetled by Providence, may be unſetled by Providence again.* Very well, but then it is the ſame degree of Providence. The Dr. ſays, we muſt *not expound Providence againſt the expreſs revelation of God's Will.* And I reply, we muſt not expound a bare Act or permiſſion of Providence, againſt a Providential Settlement by Law.

But all this while my Anſwer is not touch'd, which is *that the people of other Kingdoms are as much bound to obſerve their own Laws, as the people of* Judah *were theirs.* God's Entail was the Political Law of that Kingdom, and a Humane Entail is the Law of other Hereditary Kingdoms: and the Laws of other Countrys oblige in Conſcience, as well as the Laws of *Judah*. And if it was not lawful to own the Authority of an Uſurper in the Kingdom of *Judah*, becauſe contrary to their Laws, and their obligations to them; neither is it ſo in any other Country for the ſame reaſon. But here the Dr. ſhifts, and tells us, *that the Diſpute about the Authority and Obligation of Humane Laws is impertinent to the purpoſe*, but gives no reaſon, except his

his saying, *for no man denys it*, be a reason; he says after, *that the Dispute between Divine and Humane Laws, and Divine and Humane Entails, are of a very different nature.* And it may be so, or it may not be so, for any thing he hath said (for his comparing a Divine and Humane Entail makes no difference in that particular) but this is trifling and amusing, not answering. The single Question is, whether they are Laws or no Laws, and are to be consider'd as such; is a Humane Entail, the Law of an Hereditary Kingdom; and does it oblige as such? Then if other Kingdoms are as much bound to observe their Laws, as the people of *Judah* were theirs, it plainly follows, that Usurpation cannot be admitted against a Legal Right in other Kingdoms, any more than it could in the Kingdom of *Judah*. But this is *impertinent to the purpose, i. e.* to the Drs. purpose.

The Dr. goes on, *This discovers the fallacy of what he adds, We do not oppose Humane Laws to God's Authority, but we oppose Laws that are made by God's Authority, and which are a Rule to us, to Providence, which is no Rule.* Well! This I said, and where is the fallacy? *Now* (saith he) *I would ask the Author, whether the Laws of* England, *which entail the Crown, are not Humane Laws?* To which I answer, yes: and moreover, they bind in Conscience, with respect to the Laws of God. But I cannot tell what the Dr. will call them, whether *Providential Settlements*, or *Providences*: for it seems they have no influence on the Peoples Subjection, otherwise than as they are *Providences*, and not as Laws backt with God's Authority. But (saith he) *if they be, I ask whether they do not oppose these Humane Laws to the Authority of God, in making Kings by his Providence?* I answer no: for God makes Kings by his Providence according to Legal Right. But it is another Question, Whether an Usurper possessed of the Throne by Providence, be a King of God's making, or be made a King by God's Authority. And the Question, as the Drs. puts it, is Sophistical: he mixes and confounds what ought to be divided, Whether Kings are made by God's Authority, and whether they are made by Providence, are two Questions, which he makes one; when Kings are made according to Legal Right, they are made by God's Authority; for the Laws have God's Authority: But that a Providential Possession of the Throne is God's Authority, or that a Person so possessed, is made a King by God's Authority, is that which the Dr. hath not yet, and I suppose, will not be able to prove.

The Dr. adds, *to avoid this, he will not call them Humane Laws, but Laws made by God's Authority.* To avoid what? That Sophistical Question before? I never so much as thought of it. And I do not see how I should; for it affects nothing that I have said. And now I do know it, I do not see any such strength in it, as will need any Art or Pains to avoid it. But to save him further trouble, I will tell him all the design I had in saying the Laws were made by God's Authority, was only to shew the obligation of Humane Laws, that they bound in Conscience, and were a Rule to us, and which Providence was not: and therefore all the pains the Dr. takes to prove, that Humane Laws are not Divine Laws, concerns not me at all, nor the Question: He disputes only against his own fancy; and therefore I shall not trouble the Reader with that, but go on to the next.

Well! (saith he) *but these Laws are our Rule. They are so, when they are not over-ruled by a Superiour Authority; but that they may be by the Authority of God.* P. 44. Very true. But are the Acts or Permissions of Providence, that Authority of God that over-rules the Laws? Divine Laws are under God's Authority, as well as Humane Laws, and may be over-ruled by him when he please. But that is no proof, that Acts of Providence over-rule them. And the Question is not whether God's Authority may over-rule Humane Laws, but whether by meer Providence he doth over-rule them: and till God doth over-rule them, they are our Rule. *And the Providence of God is not our Rule.* Well, this I said: To this he replyes, *if by this he means, we must not make Providence the Rule of Good and Evil to us,* i.e. *that we must not think it lawful for us to do what ever the Providence of God does, I grant it: For the Laws of God are the Rules of Good and Evil, not his Providence:* Very well; *We must not think it lawful to do whatsoever the Providence of God does:* but

may we think it lawful to do *any thing* that the Providence of God does, as it is meerly an Act of Providence, in oppoſition to a plain and known Rule, allow'd and authoriz'd by God himſelf, as is the Caſe of Humane Laws? This is the ſingle point: But let us ſee what a kind of Rule the Dr. makes of Providence. *But* (ſaith he) *if he means the Providence of God cannot direct our duty, cannot lay ſome new obligations on us, and diſcharge the old ones, this is manifeſtly falſe in a thouſand inſtances.* What does Providence do this as a *Rule?* That is the Queſtion: And I doubt to make it out, that we muſt have a new notion of a *Rule*, as we have had of Providence, and a through Settlement: What if Providence direct our duty? it does not make it; but the duty is to be meaſured by the Rule, and not by Providence. What if Providence layes new obligations on us, and diſcharges the old ones? the obligation and the diſcharge too, are to be taken from the Rule, and not from Providence; and we are not to practiſe by Providence, but by the Rule. And if Providence be contrary to the Rule, *it directs no duty, nor lays any new obligations, nor diſcharges the old ones*, Except it be quite contrary to the Drs. meaning; if a man by Providence uſurps another mans poſſeſſion, all the Duty Providence directs to, and all the obligation it lays, is to have juſtice done, and the poſſeſſion reſtor'd to the right owner. So that I doubt the Drs. *thouſand inſtances* will come very ſhort; and what are thoſe Inſtances? *Every new Condition Providence puts us in, every new Relation it creates, it requires ſome duties, and lays ſome new obligations on us.* And what then? Is Providence the Rule of thoſe duties, or thoſe obligations? This is manifeſtly falſe; or is Providence the Rule of that Condition, or of that new Relation? This is manifeſtly falſe alſo: Suppoſe Providence puts a man into a ſtate of ſufferings, or into a ſtate of plenty, or any other ſtate; the juſtice or injuſtice of theſe ſufferings, or proſperity, *&c.* are not to be meaſur'd from Providence, but from ſome other Rule. Man and Wife come together by Providence, but whether they are related, and a relation is thereby contracted, is not to be known by Providence, but by the Rulethat directs and appoints that Relation. But if a Man and Woman come together, but not according to God's Ordinance, they are not Man and Wife, nor is there any ſuch relation oetween them; tho one is by Providence, as well as the other: from whence nothing is more plain, than that Providence is no Rule in ſuch caſes, nor is any Relation to be known meerly from Providence, but from ſome other Rule. And this ſhews the fallacy of what follows: *I ſhall inſtance* (ſaith he) *only in the Caſe before us, if the Providence of God can remove one King, and ſet up another, this does not alter the duty of Subjects to their Prince, yet it changes the object of their Allegiance, as it changes their Prince, the Laws of God preſcribe the duty of Subjects to their Prince, but the Providence of God makes him.* Now grant all this, the difficulty ſtill remains: Is Providence the Rule whereby to diſcover, whether or no the object of Allegiance is chang'd, or whether one King is remov'd from being King, and another ſet up? When a Maſter is remov'd from his Family, or a Husband from his Wife, theſe are by Providence; but if it be not according to the Laws of God in one Caſe, and according to the Laws of the Society in the other, the Acts of Providence are no Evidence, that the objects of the reſpective duties are chang'd, nor are a Rule for the Servants or Wife, to pay the reſpective duties to thoſe who poſſeſs the place or ſtation of the Perſons ſo remov'd by Providence. But the truth is, all this is Ambiguous and Sophiſtical. God makes, and removes, and ſets up Kings by his Providence, and ſo he does Husbands and Maſters. But every Perſon that poſſeſſes the places of theſe by Providence, is not therefore a King, a Husband, a Maſter, but ſuch only who poſſeſs them according to the reſpective Laws and Rules that conſtitute and appoint them. And therefore altho it be true, that God makes Kings, Husbands, and Maſters, by his Providence; yet it is true likewiſe, that Perſons may by Providence ſuſtain the places of them, and yet be neither of theſe. And therefore Providence is no Rule, nor can determine our Practices and Duties; but in all ſuch caſes we are to be judg'd by Laws, and not by Providences. A Woman is not determin'd by Providence, whether a Man that co-habits with her, be her Husband; nor is a Subject determin'd by Providence, whether the Perſon that Poſſeſſes the Throne be his King, but by the Laws, which

which direct to the Perſon (as all other Laws do) as well as to the Duty: and which are a Rule to us, warranted by God himſelf, and back'd with his Authority; and Providence is no Rule, nor have we any warrant or direction to obſerve it as ſuch. And therefore, notwithſtanding all the Dr. hath here ſaid, the charge ſtands good againſt him.

Poſtſcript, p. *That the Dr. miſtakes the Queſtion, we do not oppoſe Humane Laws to God's Authority, but we oppoſe Laws which are made by God's Authority, and which are Rules to us, to Providence, which is no Rule.*

And now (ſaith he) *let us conſider the oppoſition he makes, between Humane Laws of Entail, and Providence; for he confeſſes, they do oppoſe Laws made by Divine Authority, that is the Laws of the Land which entail the Crown, to Providence, or to the Providence of God in making Kings.* I do confeſs it, and I thought I had told him wherein the oppoſition conſiſted, that the one was a Rule, and the other none: but (ſaith he) *that is they think themſelves bound in Conſcience, to adhere to that King, tho out of poſſeſſion, who by the Laws of the Land has a Legal Right to the Crown, againſt that King, who is actually ſetled in the Throne by the Providence of God. Now if we will conſider the ſenſe of things, and not the words; this is no more than to ſay, that they oppoſe the Providence of God againſt Providence, his former Providence againſt his later Providence; that is, they will not allow the Providence of God, to change and alter, whatever Reaſons the Divine Wiſdom ſees for it: but what God has once done, that they are reſolv'd to abide by, whatever he thinks fit to do afterwards, which is to oppoſe God's Authority, and to* Shackle. (Does not tell me, *That I write at that Rate, that ſome people may ſuſpect that I had a mind to ridicule Providence*; and what does he think of this Reverend Metaphor when apply'd to Providence, to *ſhackle*) *and confine Providence, that it ſhall not alter its uſual methods in the government of the World, or when it has diſpoſed of the Crown once, ſhall never be at liberty, while that Family laſts, to diſpoſe of it again to any other: what are theſe Laws, which he ſays are made by the Divine Authority, and are our Rule? They are the Laws of Succeſſion, which entail the Crown. And how does God ſettle the Crown on any Family by ſuch Laws? No otherwiſe but by his Providence.* And *an Hereditary King by Humane Entail, is as much a Providential King in reſpect of God, as the firſt of the Family; and to oppoſe the Laws of Entail, againſt God's ſetting up a new King by other Acts of his Providence, is to oppoſe Providence againſt Providence,* &c.

Vindic. p. 24.

Now the fallacy and weakneſs of theſe Arguments are diſcovered from what was ſaid before, *that Humane Laws are a Rule of Practice, and that Providence is no Rule of Practice*: and therefore Providence is not to determine us againſt the Laws, but the Laws are to determine us againſt Providence: nor does it make any manner of difference in this, to ſay, that the Laws were made by Providence, and the Poſſeſſion of the Throne contrary to theſe Laws, is by Providence likewiſe; and therefore to ſtand by the Entail againſt the Poſſeſſion, is to oppoſe a former to a latter Providence. For is there no difference between Providence concurring to the making and eſtabliſhing Laws, which are Rules of Practice, and ſo warranted by the Law of God, and the bare Acts or Permiſſions of Providence, which are no ſuch Rule, nor ſo warranted? So that (with the Drs. leave) the oppoſition is not between Providence, and Providence; but between a Rule, and no Rule: and (if we muſt ſpeak ſo) between Providence fixing a ſtated Rule, and the bare Acts of Providence, which are no Rule. And here is the plain fallacy of his Argument; it is true, the Laws of Entail were made by the Providence of God; but they do not receive their binding power, and oblige the Conſcience, from Providence, but from the Law of God. Providence concurred to the making them Laws, but the Law of God makes them obligatory. And therefore as meer Providence did not make them binding; ſo neither does meer Providence deſtroy their obligation. And how extravagant does this Doctrine look, when apply'd to other inſtances of Legal Right? All the Laws of a Country are made by Providence, as well as the Entail of the Crown: And he that uſurps

another mans eſtate, is the providential poſſeſſor, and to urge the Laws of property againſt the Poſſeſſion, is to oppoſe providence againſt providence; providence that made the Law againſt an after providence that put him in Poſſeſſion. The Drs. Evaſion which he uſes afterwards; *that private injuries are reſerv'd by God to the Redreſs of Publick Government* does not reach the caſe; for beſides that injuries to Princes are to be redreſs'd by the Laws, as well as private injuries, and the Law is the Rule in one caſe as well as the other: the diſpute now is about oppoſing providence to providence, a former providence to a latter; and tho the Laws will diſpoſſeſs a providential Poſſeſſor (and ſo they will in all caſes if they might take place) Yet the Queſtion is, whether according to this Doctrine, the preſent wrongful Poſſeſſor, hath not the ſame Title with the firſt occupier or laſt Proprietor: For it is all but providence, the one hath it by the Law, that is by one Act of providence, the other hath it by Poſſeſſion, that is by another Act of providence. And Poſſeſſion is to preſcribe to the Law, as being the later providence, and not Law to the Poſſeſſion, as being the former providence: And to talk of redreſſing injurious Poſſeſſion by the Law, is to redreſs providence by providence, a later providence by a former; and that is almoſt as abſurd, as to oppoſe providence againſt providence, a former Providence to a latter: *For it is all but providence ſtill*; And the Dr. *deſires to know, why the providence of an Entail is more ſacred and obligatory, than any other act of providence, which gives a ſetled Poſſeſſion of the Throne.*

P. 46.

The reſt of the Proofs and Inferences, that the Dr. makes uſe of in this particular, are wild things and mean nothing; and as to what he ſays, that *They will not allow the Providence of God to change and alter*, &c. This is proving the Queſtion backwards, for the Queſtion is not whether *they* will allow providence of God to change and alter his methods; for that he may do, and his Laws too if he pleaſe, but whether God will allow *us* to change, alter and transfer our duties merely upon the account of his providence: And what he ſays, that *what God has once done that they are reſolved to abide by*, we ſay yes, 'till God himſelf diſcharge us, and the Queſtion returns whether acts of providence releaſe us, when the Rule holds us: And as to *limiting providence*, what Authority hath he to extend providence any more than we have to confine it? and this is the Queſtion, whether we who ſay it is no Rule of practice, nor ought to determine us againſt a Rule do limit providence; or he who makes a Law, and a Rule of it, and makes the bare acts of it, to diſſolve all the obligations of Laws and Oaths, does extend providence beyond the true meaning of it, and beyond all the Accounts which from Scripture or ſound reaſon can be given of it?

What follows (in my Anſwer) the Dr. tells us *is pretty, and nothing more, The Land of* Canaan *was divided among the twelve Tribes by Gods expreſs command: And this* (ſaith the Dr.) *anſwers to Gods entailing the Crown, on the poſterity of* David, *the Poſſeſſion in all other Countries is only by Providence, and this anſwers to a Humane Right and Title to the Crown, well* (ſaith he) *there is ſomething of likeneſs between them, and what then?* and then repeats my words. 'And 'therefore according to the Drs. Poſtſcript. 'way of reaſoning, every man p. 11. 'who wrongfully poſſeſſed him- 'ſelf of another mans eſtate in that Land (Ca- 'naan) muſt be made to reſtore it, for God 'had expreſly given it to the other, and to his 'family. But in all other Countries, if a man 'by providence get his neighbours eſtate, he 'muſt have it, for the event is Gods Act, and 'tis his evident Decree and Counſel that he 'ſhould have it.

To this the Dr. replies; *The fundamental miſtake, which runs through all thoſe kind of arguments is this, that they make the events of providence in private injuries, thefts, encroachments, to be the very ſame with God's diſpoſal of Kingdoms, and to have the ſame effects*: Now whoſe arguments are theſe that make the events of providence the very ſame in both caſes? why truly the Drs. own, does he not tell us in his *Caſe of Allegiance*, *that the Scripture never ſpeaks of* p. 12. *God's bare permiſſion of* any *Events, but makes him the Author of* all *the good or evil, which happens either to* private Perſons *or publick Societies*: *The Events of* all

all *things are in his hands, and are ordained and disposed by his Will and Council, as they must be if God governs the World.* Now if this be the Case, then *all Events* are the same with respect to providence. The Event of Usurpation, and the Event of unjust Possession differ as to the matter, but as to the Will, Counsel, Order and Decree of God, they are both the same; for the Dispossession of a private man, is the same Providential Will, Order, Counsel and Decree, as the Dispossession of a King. And if this be a mistake, then the Drs. Doctrine is a mistake, and his *Fundamental Doctrine* is a *Fundamental mistake*, and I cannot help that: And to mend the matter the Dr. hath gone one step farther, *and to have the same effects.* And why not I pray? The reason and ground why Usurpation is to take effect, and draw the Allegiance of the Subject after it, is because it *is God's Counsel, Decree and Order*: And if these be the same in all other Events; why do not they take *effect* also, when the reason and ground is the very same? and I would fain see a good reason, why the Providential Counsels and Orders, are not as valid against the Legal Right to a private Estate, as the Legal Right to the Crown. The Doctrine of Providence affords us no difference, and God's Government equally extends to all Cases and Persons: The Scriptures give us none, but equally attribute the depression and exaltation of private men to the Providence of God, as they do the setting up and pulling down Kings, and not one of the Drs. Arguments, so far as they concern Providence, but what are equally applicable to private property as to Thrones and Kingdoms: And let him disprove this by shewing any one if he can. But the Dr. tells us that *All private injuries are reserved by God himself to the correction, and redress of publick Governments and Humane Courts of Justice; and therefore his providence has no effect at all on such personal Rights.* Now this is true, and a good reason why the providence of God does not take effect against Legal Rights. But how will this agree with the Drs. Doctrine and Argument? Does God reserve the redress of these contrary to his own Decrees and Orders? Do such reservings exclude himself and his own interpositions by providence? *When God has done this once, shall he never be at liberty to dispose it otherwise, and will not the Dr. allow the Providence of God to change and alter, whatever reasons the Divine Wisdom sees for it; but what God has once done, he is resolved to abide by, whatever he thinks fit to do afterwards, which is to oppose God's Authority, and to shackle and enervate providence, that it shall not alter its usual methods in the Government of the World*; which are his Arguments but the very page before, and if they prove any thing at all, they are equally valid against such a *Reserve* as against any other Legal Right; and if the Dr. will answer them fairly, he will save any man the trouble of answering his Book. The Dr. adds, *But the very nature of the thing proves, that such disputes which are too big for a Legal decision, or any Humane Courts, for the decision of which God has erected no universal Tribunal on Earth; he has reserved to his own judgment, such as the Correction of Sovereign Princes, and the transferring Kingdoms and Empires: And here the final determination of providence in setling Princes on their Thrones, draws the Allegiance and Submission of the Subjects after it, and in such Cases God does not confine himself to determine on the side of Humane Right, but acts with a Sovereign Authority, and gives the Kingdoms of the World to whom he please, as he can best serve the wise, and many times unsearchable designs of his providence by it.* To this I answer, and because he hath the same in other places, I shall do it distinctly.

1. The Rights of Princes may and ought to be determined by Law, as well as those of Subjects. I have already instanced in the differences between the Houses of *York* and *Lancaster*, where the Law hath decided the controversie, and the Case hath been the same in other Kingdoms; but I wonder whoever insisted on a Providential Title, or thought it a sufficient competition for a Legal Title: There is never a Prince nor private Man in Christendom, nor the Dr. himself, that would change his Legal Title for a Providential one, which is a pretty plain Case, that however some People may talk of it, no body believes it. But because there are no Judges and Juries appointed, and the Rights of Princes are not to be tryed in *Westminster* Hall, nor in other Courts of Judi-

Judicature; therefore Poſſeſſion and Providence muſt determine it: But this is manifeſtly falſe, for the Law is as proper a Judge of the Rights of Princes, as of any other; their Perſons are not under the Law, but their Titles are, and the Laws declare who is, and who is not King; as much as they do who is, or who is not any inferior Proprietor. And as to what the Dr. ſays of a *Tribunal*, I ſuppoſe he means to inforce this upon the Subject, (for the matter is declared by the Law, and there needs no Tribunal for that, no more than there needs a viſible Judge of controverſies, in matters of Religion, 'tis a duty under the direction of the Law, and every Perſon concerned is bound to take notice of it.) But as for the other, if the Law may take its courſe, there are *Tribunals* enough: But indeed when the Prince is diſpoſſeſſed, there is no Tribunal to force this, and to puniſh the neglect, that is, there is no Power to hang a Man, if he does not take notice of the Law; and there is power to hang him if he does. This makes ſome difference as to puniſhment, but none as to duty, for the obligation ariſes from the direction of the Law, and not from the external force to compel the obſervance, and the direction of the Law binds when there are, and when there are not Courts of Judicature to put it in execution.

2. *There is no Tribunal for the Correction of Princes but Gods*: Very true! And therefore they are not accountable to the People for mal-adminiſtration; Their Perſons are ſacred, their Authority irreſiſtable and unalienable. And theſe were the Inferences, that hitherto the Men of the Church of *England* have drawn from this Doctrine; but the Dr. hath found out a new Inference, that the Subjects may reſiſt him, and ſhake off his Authority, and kill him too if need be; and all for this weighty Reaſon, becauſe they have put another in the poſſeſſion of his Throne: I know the Dr. calls it Providence, but that is the *Engliſh* of it.

3. Tis true God hath reſerved to himſelf the Correction of Sovereign Princes, and ſometimes he doth here actually correct and puniſh them, and diſpoſſeſſion is ſometimes deſign'd as a Puniſhment by God himſelf. But ſtill the Queſtion returns, is ſuch a diſpoſſeſſion by providence a ſufficient evidence, that God hath given away the Kingdom from the diſpoſſeſſed to the Poſſeſſor of the Throne; and 'till that can be made out all theſe Arguments and Inferences ſignifie nothing. And that is manifeſtly falſe in the Caſe of *David*, he for the puniſhment of his ſins was diſpoſſeſſed by his own Son; but God by that providence did not take away the Kingdom from *David* and give it to *Abſolom*: And God had then erected no Univerſal Tribunal for the deciſion of ſuch Caſes, no more than he has now. The Queſtion therefore, is not whether there are ſome Caſes too big for a Legal Deciſion or Humane Courts, or whether God hath reſerv'd to his own judgment the correction of Princes, and transferring Kingdoms: But the Queſtion is, whether the Poſſeſſion of the Throne by providence diveſts the Rightful King of the Crown, and of the Allegiance of the Subjects, while his Perſon is in being, and his Legal Right remains. And that the matters being reſerved to God's own Tribunal does not prove; the nature of the thing indeed proves that caſes that cannot be redreſſed by publick Government, are reſerved to God's own judgment; but their being ſo reſerved (which is the full of the Drs. Argument) does not prove, that therefore every Providential Poſſeſſion of the Throne, is God's final determination or any warrantable evidence to conclude from thence, that God hath made him a King, and the People his Subjects. Dr. *Sherlock* makes another Collection from providence in this very caſe. *No Uſurpations can extinguiſh the* Caſe of *Right and Title of the natural* Reſiſt. *Prince; ſuch Uſurpers, tho they* p. 132. *have the Poſſeſſion of the ſupreme Power, yet they have no right to it; and tho God for wiſe reaſons may ſometimes permit ſuch Uſurpations; yet while his* Providence *ſecures the Perſons of ſuch depoſed and baniſhed Princes from violence, he ſecures their Title too.*

4. The Dr. ſays, that in correction of Princes and transferring Kingdoms, *God does not confine himſelf to determine on the ſide of humane Right, but acts with a Sovereign Authority, and gives the Kingdoms of the World to whom he pleaſes.* And what then? and therefore the Poſſeſſion of the Throne by providence is God's giving the Kingdom, but that does not follow: And *God's acting with a Sovereign Autho-*

Authority (which the Dr. intimates as a Reaſon) does not prove it, for in all acts of Providence, God acts with a *Sovereign Authority* if by *Sovereign Authority* the Dr. means acting independantly, and without reſpect to the Laws and Rules God hath preſcribed to others. This is the ſame in caſes under the cognizance of Laws and Humane Courts, as well as in thoſe which are above them, and ſuch acting by a Sovereign Authority is no Rule for mankind, nor warrant for practice. But if by *Gods acting with a Sovereign Authority* the Dr. means, That God as Lord and Proprietor of the World may diſpoſe of it as he ſees good, and actually does ſo in ſuch a way as may warrant practice, and confer a good Right and Title, as when he ordered the *Iſraelites* to ſpoil the *Ægyptians*. This was an Act of Sovereign Authority, but cannot be called Providence, but comes under the notion of a Law, and they were warranted to take the *Ægyptians* goods not from providence giving them opportunity, but from God's expreſs will impowering and authorizing them ſo to do. In like manner God may if he pleaſe diſpoſe of Kingdoms, and private eſtates by his Sovereign Authority; but if he does ſo, he extinguiſhes the Legal Right of the former owner, and conveys it to whom he gives it. And it can never be concluded that he does ſo from providence only, the ends and deſigns of which are myſterious and to us unknown, but from ſome further evidence and notice of the Divine Will: But the Dr. confounds God's providence with his Laws, and makes one a Rule of practice as well as the other. God governs the World by his providence, as well as by his Laws, but he hath not made his providence, nor directed us to obſerve it as a Rule of life. And therefore the Drs. proof is prepoſterous, for although there are caſes reſerv'd to Gods own judgment; altho God may act by a Sovereign Authority, that is nothing to his purpoſe, except he proves likewiſe, that the events of providence are God's final ſentence; and that he would have the World take notice of them as ſuch. But inſtead of that the Dr. is for beginning at the other end, and proves that God's providence is his final determination, and a Rule to be obſerved, becauſe there are Caſes reſerved to his own judgment: And therefore this proves indeed, that there is a difference in the two Caſes, but does not prove, that there is any difference in providence, which is the only thing that needs to be proved; the one is under publick Government, the other is immediatly under the Government of God, but they are both immediatly under Providence: And a direct anſwer muſt affect that, and ſhew how providence is leſs Gods Act, or a leſs Act of his Sovereign Authority, with reſpect to private Poſſeſſions than to Thrones; how the ſame Providence, which in one Caſe is Paramount to Laws, diſſolves their obligation, cancels the bond of Oaths, and diſpoſes Crowns, in the other does nothing at all, but is under the Authority of a *Juſtice* of Peace or a *Conſtable*. But this (which is the main point) the Dr. does not attempt to anſwer, but inſtead of that tells us, that in one caſe, *God hath erected humane Judicatures, but the other are reſerved to his own judgment*, i. e. there is ſome difference as to the things but none as to Providence, which is the only queſtion: For a humane Judicature does not alter the nature of Providence; and if providence be God's *Decree, Order, and Council*, then it is ſo notwithſtanding any humane Judicature; and it is ſomewhat ſtrange, that a humane Judicature ſhould determine againſt God's Orders, and Decrees any more than humane Laws. And here I deſire to be reſolved in 2 Queſtions.

1. How it comes to paſs, that a humane Judicatory is a greater confinement to Providence than a humane Law.

2. Whether God hath erected humane Judicatories to determine the Rights of private men, any otherwiſe, or for any other purpoſes than he hath humane Entails to determine the Rights of Kings; and if not, then I ſuppoſe it will follow, that as humane Judicatories are a Reaſon why *Providence* (as the Dr. ſays) *has no effect at all on ſuch Perſonal Rights*, ſo humane Entails alſo will be a Reaſon why providence has no effect at all on ſuch Regal Rights, or at leaſt the one will be as good a Reaſon as the other.

At laſt the Dr. comes to prove his point from the *Poet*, and tells me, *The* Poet *would have taught him the difference between theſe two Caſes*: And I confeſs, I ſhould rather have expected this Doctrin in a *Poet* than in a *Divine*.

Regar-

Regum timendorum in proprios greges,
Reges in ipſos Imperium eſt Jovis.

Now the *Poet* is not for him neither, for all that he ſays (as the Dr. quotes him) is, that the Government of Kings is over their own Subjects, and the Government of *Jupiter* is over Kings themſelves. And that he might very well think, without the Drs. notion of Providence; and what opinion the *Poet* had of Providence does not appear. But however, tho this is not for the Drs. Purpoſe, it muſt be own'd, that the Method is very proper; for proofs from a *Poet* do very well ſuit with *Poetical Divinity*.

P. 47. The Dr. goes on; *Beſides according to my Principles, Kings muſt be throughly ſetled in their Governments, before it becomes unlawful for Subjects to diſpoſſeſs them; and then if he will make the Caſes parallel, he who unjuſtly ſeizes another mans eſtate, muſt be throughly ſetled in it, before it becomes unlawful to diſpoſſeſs him, but that no private man can be, who is under the Government of Laws, who has not the Poſſeſſion of his Eſtate given him by Law; and when he has, whether right or wrong, he muſt not be violently diſpoſſeſſed again.* Now I crave the Drs. good leave, to return him one of his own Complements, is he in *jeſt*, or in earneſt? and certainly ſuch things as theſe were never ſaid in *earneſt* by a man of the Drs. Character. The diſpute is between the Providential Poſſeſſion of the Throne, and of a private Eſtate, now to make the *Caſes parallel*, in the private Caſe there muſt be a *Legal* Poſſeſſion; that is, there is a Parallel between Poſſeſſion and Poſſeſſion, but between *Providential* and *Legal*, which is the only thing in controverſie, there is none. We are not now diſputing about the notion of a *thorough Settlement*; and for once let us take it in the Drs. ſenſe, and ſee what a fine *Parallel* he makes, a thorough Settlement of an Uſurper on the Throne, is an actual and viſible Settlement, not a Legal one; the Settlement of a private Perſon in an eſtate, is a Legal Settlement; and to make the Caſes *Parallel*, one muſt be *actually* ſetled, not *legally*, and the other muſt be *legally* ſetled: And ſo a thorough Settlement in one ſenſe, is *Parallel* to a thorough Settlement in another ſenſe; even juſt as a *Tryal* of skill, is *Parallel* to a *Tryal* at Law, or the Drs. Picture is *Parallel* to himſelf. But *Parallel* is a term in *Mathematicks*, as Settlement is a term in *Law*. But when they come to be apply'd to Uſurpation, they muſt change their ſignification, and mean the clean contrary. And there is all the reaſon in the World, for if Uſurper ſignifies a King, why may not Settlement ſignifie Illegal Poſſeſſion, and *Parallel* ſignifie inequality? Now 'tis no marvel the Dr. tells his Anſwerer, *he expects to hear no more from him*; for who is able to anſwer ſuch terrible arguments as theſe?

The Dr. here tells us, that *by his Principles Kings muſt be throughly ſetled in their Governments before it becomes unlawful for Subjects to diſpoſſeſs them*: Now I cannot tell what his Principles are, but this I can tell, that his Arguments prove no ſuch thing. I know indeed, that to get the *Convocation* of his ſide, he hath given us a new ſenſe of a *thorough Settlement*, and that (as the chief) is the *Conſent and ſubmiſſion of the States and the great Body of the Nation*. And when he hath done that, he takes his leave on't, for his Arguments neither concern a *thorough Settlement* in his ſenſe, nor in the true ſenſe: For what has *God's removing and ſetting up Kings, the events of Providence being his Decree and Order*; That *thoſe are all rightful Kings who are placed in the Throne by God, that he is our King who is ſetled in the Throne in the Actual Adminiſtration of Sovereign Power*, &c. That the Scripture account means *only the Powers that be*, i. e. *thoſe that are in the Actual Adminiſtration of Government*, &c. Caſe of Alleg. p. 12. 14. p. 21.

And what is all this to the *Peoples conſent*? And here I ask the Dr. this plain Queſtion, does the *Peoples conſent* convey any thing to the Government, or does it not? if not how comes it neceſſary? or how comes it to be only unlawful to diſpoſſeſs Princes when they are throughly ſetled, i. e. when the People have conſented, but not before: But if it does convey any thing, then Providence alone does not do it; and then it does not follow, that when a Prince is in the Poſſeſſion of the Throne, and in the

Actual

Actual Administration of Government, that he hath God's Authority; for that is a strange Authority from God which the People may chuse, or refuse at their pleasure. But the truth is the Drs. notion of a thorough Settlement, hath rooted up the very foundations of Government, and plainly center in the Commonwealth Principles. And that is the bottom of the business, and for the proof of this I will be tryed by the Dr. himself. In his *Case of Allegiance* disputing against a Legal Right, he thus delivers himself: *To say that God sets up no Prince, who ascends the Throne without a humane and legal Right, is to say that the Right of Government is not derived from God without the consent of the People; for if God can't make a King without their consent declared by their Laws*, (and if the Dr. will give me leave, I say without their consent declared by themselves, or the States, or the great body of the Nation) *the Authority must be derived from the People, not from God, or at least if it be God's Authority; yet God cannot give it himself without the People, nor otherwise than as they have directed him by their Laws*: I add by their consent; But what becomes of the Drs. thorough Settlement *by the Consent of the People* all this while, why it may be, he had forgot it: But however he tells us, that it is his Principle, and that may be too; but heretofore men used to bring Arguments to prove, and not to confute their Principles.

p. 25.

The Dr. goes on, *as our Author has stated the case, it signifies nothing to the present purpose, for whether private mens estates be setled by a Divine or Humane Entail, it is the same case if they suffer injury from their Fellow Subjects, they must seek for redress from Publick Government.* That is, the saying, that the Land of *Judah* was entailed by a Divine Entail, as well as the Crown, is not to the present purpose, tho the great stress of the Drs. Answer lies in the difference between a Divine and a Humane Entail. And it is plain enough from thence, that a Divine Entail made no difference as to *Providence* and *Property* between that and other Nations: But his reason is that private injuries may be redressed by publick Government; well! and that is a reason to prove that no providential disposession of a private man, is any warrant against Law. But it is no reason to prove, that a providential dispossession of a Prince is such a warrant, but the contrary, for being above or under the Law makes no alteration in the nature of Providence; and it is odd to say, that Providence has power and efficacy in Cases where the Law has none, but has none where it has. But this hath been considered before; and as to the matter of God's setling the Land of *Canaan* by Divine Entail: The Dr. after having said, that *he could have told me, how to have applied the Case to the purpose*, (and methinks he that hath said so little to the purpose, need not have neglected what had been to his purpose) shews some difference between the Land of *Canaan* and other Countries: But those are not at all to *his purpose*.

In *Canaan* (saith he) *where God allotted every tribe and family their inheritance, none could pretend to a Right to any portion of Land, but what was allotted him. But in other Countries which were left in Common, Possession and Occupation gave a Right*: Very true, but not when they were not left in common, but property was inclosed by Laws, Legal Possession then only gave a Right. But saith he, *Thus in* Judah *none had an ordinary Right to the Crown, but those that were nominated by God, or had the Crown descended on them by a Divine Entail. But in other Countries Possession and Occupation gave a Right to the Allegiance of Subjects*. Now if the Dr. would have made this Parallel he should have said, *in other Countries, where Government was left in Common*; and then it had been true enough, for no body had a better Right; but it is not so, where the Crown is entail'd by Laws, Possession gives no more Right to the Crown, than it gives to private Estates.

In *Canaan* (saith he) *when God had setled such an inheritance in a family, it could never be perpetually alienated, and tho it were sold, it could be sold for no longer time than till the year of* Jubilee, *when all estates were to return to their old Proprietors again*. Right; and this was the Law of *Canaan*, and by virtue of that they did so return, but had there been no such Law, would the Land once sold, have

then by virtue merely of a Divine Entail, return'd to their old Proprietors? *But in other Countries men may part with their Eſtates for ever*: Right again, becauſe the Laws permit them ſo to do: But if the Laws of other Countries, had provided that all Eſtates ſhould return to their old Proprietors at ſuch a year, they would have done ſo too, tho the Proviſion had been made only by a Humane Law. *Thus* (ſaith he) *in the Kingdom of* Judah, *tho God by his Sovereign Authority might ſet up a Providential King, yet this did not cut off the Entail; but whenever the true Heir appeared, Subjects if they were at Liberty, were bound to make him King, and diſpoſſeſs the Uſurper; but in other Kingdoms, a Kingdom may be loſt, as well as an inheritance ſold for ever. Thus* that is juſt as an Eſtate in *Judah* and other Countries, might or might not be ſold, but according to the Laws of each Country; in like manner, as in the Kingdom of *Judah* the Inheritance of the Crown was not alienable, tho the Eſtates for a time were, even ſo, *in other Kingdoms a Kingdom may be loſt, as well as an inheritance ſold for ever.* And that is to ſay again, that as in other Kingdoms an inheritance may be ſold by the conſent of the parties intereſſed, even ſo a Government may be loſt, without, and contrary to the conſent of the Proprietor, and right owner. For ſuch Parallels as theſe, *otherwiſe* or *quite contrary* might have ſerved, as well as *Thus*; The Dr. tells me what I ſay in this Caſe is *pretty*, becauſe that between the Divine Entail, and Gods expreſs command concerning *Canaan*, and the Poſſeſſion by providence and a Humane Entail there is *ſome likeneſs*. I am ſorry I cannot return all his Complement, this is very *pretty* indeed, but there is no *likeneſs* at all.

We are come to the Drs. Anſwer to the objection, *that the Laws of the Land are the meaſure of duty, and Rule of Conſcience*, &c. and the ſum of the Anſwer is, *they are ſo, when they do not contradict the Laws of God, but when they do they are no Rule, but their obligation muſt give place to Divine Authority, and ſuppoſe the Law ſhould forbid owning any King, but the Right Heir; and the Law of God ſhould command obedience to him, that actually poſſeſſes the Throne we muſt obey the Law of God.* P. 48.

To this I anſwered, 'where is this 'Law of God, that commands us 'to obey Uſurpers? where is it 'affirm'd in expreſs terms, or de-'duced from thence by evident conſequence? He replies, *he hath ſhewed it before, and it is in his book ſtill and there I may ſee it.* As if I had not at all conſider'd, what he had ſaid in his Book in my Anſwer. But to ſay, that he would examine that preſently would not have been ſo ſharp, nor half ſo magiſterial, as to ſay *it is in my book ſtill, and there he may find it.* But by his favour, I cannot find that he hath ſhewed it, either in his former, or in his new book, and that he hath only ſaid it, but not ſhewed it, will appear preſently. But I had ſaid, that *this Law had need be very clear and evident, and the Dr. had need be very ſure of it, when he builds not only his Book, but his practice upon it, in plain contradiction (by his own confeſſion) to the Laws of the Land:* He replies, *I never confeſſed this was contrary to the Laws of the Land; but on the contrary, that the Laws of the Land, if we will believe learned Judges and Lawyers, do allow and juſtifie it.* I don't know what he means by *confeſſing*, but if to maintain, that a Perſon poſſeſſed of the Throne *contrary to Law* is to be owned and obeyed as King; if to write a Book in juſtification of that Doctrine, and to call that Book his Reaſons, be to *confeſs* it; then the Dr. hath *confeſſed* it to the purpoſe. And I don't know how I ſhould prove this, except I ſhould reprint his *Caſe of Allegiance*, with a new Title, and call it his *Confeſſions*. For there is not a page nor an argument but confeſſes it, bating only ſome part of the Anſwer to this objection: But the objection it ſelf, and the firſt anſwer as plainly confeſs it as words can do. The ground of the objection is, that it is *contrary to the Laws of the Land*, and therefore contrary to our duty; and the ſubſtance of the Anſwer is, that *what he hath ſaid* i. e. what he had ſaid before concerning Providence and Uſurped Powers *is an Anſwer to it*, And it is ſo, *when the Laws do not contradict the Laws of God*: And yet he *never confeſſed* it; and all for this poor ſhift, becauſe, in anſwer to an objection, and a ſecond anſwer too, Foreign to his whole Book; he had ſaid, that according to the opinion of Learned

Poſtſcript. p. 11.

Learned Judges and Lawyers, the Laws do allow it; now the Queſtion is, whether his *Hypotheſis* or his Arguments to prove it, proceed upon any ſuch allowance, or have any manner of reſpect to it. And I wonder what the Queſtion of providence as he handles it, has to do with his opinion of *Judges and Lawyers*, or the *Laws* themſelves; for he debates the matter in direct oppoſition and contradiction to humane Laws. And to ſay he never confeſſed what is the ſubject matter, the whole ſcope and drift of his Book; becauſe *ex abundanti*, and what does not in the leaſt relate to his *Hypotheſis* he had mention'd the Judges and Lawyers for the Laws, is a mean Evaſion; and (if the Dr. likes his own words better) *a childiſh piece of Sophiſtry, and argues*

p. 43. *great contempt of his Readers.*

The Dr. tells us, (as to the evidence of this Law commanding obedience to Uſurpers) *That the Scripture is plain in the Caſe, and that he is pretty ſure of it: But* (ſaith he) *he proves the Scripture cannot be clear in the point*, my Words are [that it is not clear is evident not only] *from the Controverſies about it, in the late diſmal times of Uſurpation, that* (ſaith the Dr.) *is to ſay, nothing can be clear in Scripture which is matter of controverſie, and thus we muſt either be Scepticks in Religion, or ſeek for an infallible interpreter. Thus Hereticks oppoſe the Articles of Faith: Thus Papiſts diſpute againſt the Scriptures being a Rule of Faith. And whither theſe arguments will carry our Author, I cannot tell, but they look very kindly towards* Rome; *and if that be his inclination, I can pardon his* zeal *in this Cauſe*; what, and is Dr. *Sherlock* come to take up with theſe ſordid and ſcandalous arts to hunt his Adverſaries by a cry of Popery? I perceive the ſame Principles will always have the ſame practices. This is indeed very ſpightful, but it is withal very ridiculous; the Dr. does not deny, but tho he was not *factious*, yet he *was hearty and* zealous *againſt taking the*

P. 79. *Oaths*; and had he at that time any kind *inclinations* towards *Rome*? But malice is fooliſh, and that is anſwer enough to ſuch *charitable inuendo's*: Well? *But thus Papiſts diſpute againſt the Scriptures being a Rule of Faith.* And what if they do? and therefore whoever diſputes thus againſt the Scriptures, not being clear in a particular Text, *looks very kindly towards* Rome: An admirable conſequence! As if there was no difference between concluding, that the Scriptures are not clear from the controverſies about them; and therefore are not a Rule of Faith, and concluding from a particular controverſie, that the Scriptures are not clear in a particular point. And I hope a man may think a particular Text obſcure, and may collect it from the diſputes of learned men about it, without any great fear of running into *Scepticiſm* or *infallibility*. But be that as it will, it is not the Caſe here, and the Dr. does not fairly repreſent my words or meaning: For I never ſaid, *The Scriptures cannot be clear in the point*, for I think they are clear enough to any unprejudiced man. But all that I ſaid was, *That it is not clear that there is ſuch a Law of God*, That is, it is not clear, that the Drs. ſenſe is the ſenſe of Scripture, and I hope there is ſome difference between ſaying the Scripture is not clear, and ſaying his ſenſe of it is not clear: So that (if the Dr. pleaſe) the Queſtion is not whether the Scripture be *clear* in the point, but whether the ſenſe he hath given of it be *clear*. And that it is not I ſaid, *is evident not only from the controverſies about it in the late times of Uſurpation*, but, &c. which the Dr. thus expounds, *That is to ſay, nothing can be clear in Scripture, which is matter of controverſie*; that is to ſay, the Dr. expounds away my meaning, and then diſputes againſt his own expoſition, for I believe that the contrary to what the Dr. aſſerts is clear in Scripture; tho Dr. *Sherlock* and Dr. *Goodwin* have *controverted* it, and I think it is not the leſs *clear* for any thing they both have ſaid about it. But I think likewiſe, that the ſenſe ſome men give of Scripture, and particularly the ſenſe the ſaid two Drs. have given of the 13 to the *Romans*, &c. is not clear; and that it is not ſo, may be *evident from the controverſies about it*, which I did not expreſs ſo generally, much leſs with an univerſal negative as the Dr. expounds it, but with limitation to a particular time and occaſion, in the *late times of Uſurpation*; for tho it cannot be ſaid that *nothing is clear which is matter of controverſie*; yet it may be ſaid that ſomething is *not clear* which is matter of controverſie, and it may ap-

pear not to be clear, not merely from its being controverted, but from that joyn'd with ſome other circumſtances, as is the Caſe; and the controverſie about it *in the late times*, may be an evidence that it is not clear, tho the bare controverſie about it may not.

And let any man conſider the ſtate of this Controverſie in thoſe times, and the Parties ingaged in it, and he may eaſily be ſatisfied. Now the Drs. *Hypotheſis* and Arguments were propoſed by thoſe Advocates for *Uſurpation*, with all art and skill, and as much to advantage as the Dr. himſelf hath done: (And if the Dr. doubts of this, I will upon his requeſt make it good by enumeration of particulars,) and it muſt be confeſſed, that that was a fit ſeaſon to examine into this Doctrine; and the members of the Church of *England* were at that time as judicious and learned for their intellectuals, and as pious and ſincere for their morals as any age hath bred. And that which gives a luſtre to their virtues, and recommends to the World, not only their memories and practices, but their Doctrines alſo (as far as a meer humane example can recommend them) is that (after the example of their glorious Sovereign) they were all *Confeſſors*, and ſome of them *Martyrs* for the Doctrine of the Church, and the Laws of the Land. And theſe were the men that held the other ſide of the Queſtion: And of this very caſe it is that the Dr. ſpeaks ſo contemptibly and ſcornfully: *That it is to ſay nothing can be clear in Scripture which is matter of controverſie*, as if there was no difference between a bare controverſie, and a controverſie in theſe circumſtances; for this I plainly refer to, and it is next to impoſſible that the Dr. ſhould underſtand me otherwiſe; for what can I poſſibly mean by the controverſies about this Doctrine in the *late times*? but what was manag'd by the *Regicides*, and their Abettors, on the one ſide, and if the Dr. pleaſe on his ſide of the Queſtion; and on the other by the Loyal and Excellent members of the Church of *England*. And I wonder what he means by being *clear*, is that clear which appears, or is pretended to appear only to men of vitious and corrupt Principles, and for corrupt ends (I ſpeak here of the late times) and does not appear, nor can be ſeen, by men of the greateſt integrity and abilities? And this is plainly the Caſe, and let the Dr. if he can ſhew me any one Perſon (when this controverſie was at the heighth) who own'd his Hypotheſis, who was not likewiſe very corrupt in his Principles relating to Government, or on the other hand, any one Perſon, who was of true Principles, and of the Church of *England*, that embraced this Doctrine or Expoſition, or who did not (as far as appears) perfectly and in expreſs terms diſown and abhor it. And this I think if the byaſs be not very great, may eaſily ſatisfie any man, that the *Controverſies in the late times* about this Doctrin, are a ſufficient evidence that ſuch a ſenſe as the Dr. contends for, is not very *clear*, except a man is reſolved to call that *clear* which no body can ſee but himſelf. And this plainly ſhews the inconſequence of his Inferences. *Thus* (ſaith he) *Hereticks oppoſe the Articles of Faith*; Yes juſt thus, that is, they produce all the *Orthodox* plainly and clearly determining on their ſide; *Thus Papiſts diſpute againſt the Scriptures being a Rule of Faith*: That is by ſhewing when that controverſie was in debate, that all and every one of the *Proteſtants* gave their judgments, that the Scripture was no Rule of Faith.

I added to ſhew the Drs. ſenſe was not clear: That *no learned men could ever eſpy this Law before the times of* John Goodwin. To this he replies, *what does he think of* Mr. Calvin *and* Grotius, *who have both paſſed for learned men? And they eſpyed this Law before* John Goodwin. Now I expected the Dr. would have produced *one* at leaſt of the Church of *England* on his ſide; but ſuch a one it ſeems was not to be found, and therefore he gives us two Forreigners, both learned men indeed, but againſt one there is juſt exception, and the other is not for him. Mr. *Calvin* for any thing I know may be of the Drs. opinion; and any man that conſiders the turbulent State of *Geneva* at that time, and the Revolution there, will be able to give a Reaſon for it, and I think there is no great Queſtion, but as he ſuited his Church Diſcipline, ſo he did his Doctrines about Government, to the circumſtances of that State. And his Doctrine of a power reſerved to inferior Magiſtrates, to reſtrain and coerce Kings, is another inſtance of it: And the one hath juſt as much Authority as the other. And to

Calv. Inſt. l. 4. c. ult.

to say no more, the Judgment of Mr. *Calvin* in point of Government hath always been exploded by the Church of *England*: and it is a great evidence the Dr. is very much streightned for Authors when no body but Mr. *Calvin* can be found to concur with him. He might if he had pleas'd have nam'd Dr. *Goodwin*, and it would have done as well. But as for *Grotius*, the Dr. interprets him as he does the Scripture. *Grotius* does say indeed, That *God rules and changes Governments not only by his common Providence, by which he leaves many things in their natural order, but with wisdom suited to the advantage or the punishment of the Subjects*, &c. And what then! therefore he believ'd the Apostle meant *usurped* as well as *legal* Powers? or that it is the Law of God, that every person possessing himself of the Throne by Providence, is a King of God's making, and ought to be own'd as such? I wonder how he will draw this out of *Grotius*'s words? And *Grotius* himself plainly asserts the contrary, and that when he speaks to the Question *ex professo*, He tells us that an Usurper, *not after he hath acquired a Right, by long possession or agreement, but so long as the Reason of his unjust possession remains. While he is in possession the acts of Government which he exercises may oblige, but not from any Right derived from him, which is none, but from the presumptive consent of the Right Heir*; and then puts the Question, Whether it be lawful to depose or to kill such an Usurper? and in some cases affirms it; and among those this is one, *If it be with the Authority of him, whose the Right is, whether that Right be in a King, Senate, or the People. And to these* (saith he) *we are to reckon the Tutors and Guardians of young Princes, as* Jehoiada *was to* Joash *when he deposed* Athaliah. And it is yet more remarkable what he adds, *Besides these cases, I do not think it lawful for a private person to depose or kill an Usurper.*

Grot. in Rom. 13. 1.

De jure belli & pacis, l. 1. c. 4. *Restat ut de invasore Imperii videamus non postquam longa possessione aut pacto jus nactus est, sed quamdiu durat injuste possidendi causa, & quidem dum possidet actus imperii quos exercet vim habere possunt obligandi, non ex ipsius jure quod nullum est, sed ex eo quod omnino probabile sit eum qui jus imperandi habet*, &c. —— *Nec minus licebit invasorem imperii interficere si diserta auctoritas accedat ejus qui jus verum imperandi habet.*

And for what reason? not one single word of the Doctor's Hypothesis nor any thing like it, of his having God's Authority or being God's providential King; but truly from the old beaten reason, the presumptive consent of the true King. *It may so be* (saith he) *that he who has Right to the Government had rather leave the Usurper in possession than give occasion to dangerous and bloody troubles*, &c. And again likewise speaking of Contracts personal and real, the latter of which he says are Leagues and Contracts made with Princes, which bind their Successors and People as well as themselves: and then adds, *A League made with a King remains in force altho he or his Successor be driven from his Kingdom by his Subjects*, and his reason is, *For the right of the Government is with him, tho he hath lost the possession. And on the contrary, if an Usurper, or an Oppressor of a free People, before he hath a sufficient consent of them be invaded by War, the true K. consenting, this is no breach of the League because they have only possession, but they have no Right. And this is the meaning of that which* F. Quintius *said to* Nabis (Livy lib. 34.) *We made no friendship and society with you, but with* Pelops *the* just and lawful *King of the* Lacedemonians.

Sane cum Rege initum fœdus manet etiamsi rex idem aut successor regno subditis sit pulsus. Jus enim regni penes ipsum manet utcunque possessionem amiserit contra si alieni regni invasor volente vero rege, aut oppressor, &c. *bello impetatur, nihil eo fiet contra fœdus*, &c. ibid. lib. 2. cap. 16.

And here by the way we have not only the sense of *Grotius*, but a very good Argument likewise; for if in real Contracts made with a King, as sustaining the person of a supreme Governour, if these bound to his person out of Possession, and not to the Usurper in Possession, it is plain the Prince out of Possession is the King, and the Usurper is none; for the Contract or League was made with him as King of such a Country, and if he ceases to be King, the binding power of the Contract ceases as to him; for as the Dr. phraseth it, *the Man is in being, but the King is gone*, and the Contract goes away with it, and being *real* and not *personal*, passes to him that is King. But now if such a Contract does not pass to the Usurper, nay if it be no breach of it to fight with and to invade him, and if it remains with the dispossessed Prince, then he

is the King of that Country, and the Usurper that possesses his Throne is not. And *Grotius* says, *The Qualities in Leagues of Kings, and their Successors and the like, properly signifie Right, and the Cause of an usurper is odious.* This Argument will reach a great way, and any man may improve it to detect the fallacy both of the Doctor's and of some other Arguments. But it may be sufficient here to observe, that tho the Dr. cites *Grotius*, and seems to triumph in it, yet that he is not for him but directly against him.

What follows is extraordinary; *what (*saith the Dr.*) thinks he of Bishop* Overal's *Convocation? were there no learned men in it, and yet they espied this Doctrine before* John Goodwin *was thought of?* What kind of Argument does the Dr. call this? This is the thing in controversie, and the Dr. produces it to prove his point. This is very usual with him, but it is so very absurd, that it needs no Answer. At last he asks me, *what I think of the Primitive Christians?* And I do (as I ought) think of them with great reverence, and with great deference to their Judgments. He tells me I may ghess at their sense, by what *Grotius* hath cited. But he must ghess strangely indeed, that can *ghess* a sense for the Doctor's purpose, for all that he cites out of *Clemens* his *Constitutions*, *Irenæus*, and *Tertullian*, is no more than that God *chuses, constitutes*, and *makes* Kings, and sets them over the People, which is as much for the Dr. as *Grotius* himself; for who denies that God makes Kings? but the Question is whether the possession of the Throne by Providence is an evidence that God makes such a one King? But he remits me *to their practice, and to their submission to the reigning Emperor*; and tells me, *I shall quickly be informed by a learned pen.* As soon as he please, for I shall never refuse Information; and in order to it I shall plainly state the Case.

Let him then shew me any one approved Instance in practice, or any approved Doctrine among the *Primitive Christians*, That they either actually did, or thought they lawfully might submit and become Subjects, and pay Allegiance to a Prince in the possession of the Throne, and for that reason because was in possession, when the King whom they owed and to whom they had sworn Allegiance was alive and claiming, and whom they own'd and acknowledg'd to have the *legal Right* to the Crown. And this I shall confess will be an *Information* to the purpose. But for Examples that are foreign to the Question, and which the Dr. intimates, *submitting to the reigning Emperors by what means soever they gain'd the Throne*, these are wide of the mark, and we have had enow of them already.

The Dr. proceeds, *I grant indeed that the resolution of Conscience ought not to depend on such nicetiis of Law and History as learned men cannot agree about, and that is the reason why legal Rights and Titles are not to be a rule and measure of our Obedience to Princes, who are possess'd of the Throne. But is this a reason to reject the Directions of Scripture too because some men will dispute the plainest Texts.* Now saith the Dr. *This hath nothing else but* Scepticism *or* Infallibility *at the bottom*; yes by all means, To say that the Doctor's sense is not clear because no learned man espous'd it but himself, or to say that a little private Opinion, set on foot for the basest purposes within our memory, is not so *clear* as the concurrent judgment of all learned men; *This*, it seems, *has nothing but* Scepticism *or* Infallibility *at the bottom.* And this a man gets by dealing modestly with some men. Had I said the Doctor's Exposition had been absurd and ridiculous, contrary to the sense of all the learned, all would have been well, and the Dr. must have prov'd the contrary as well as he could; but when I only say it is not *clear* for the same reason, This is *Scepticism* and *Infallibility*, and I cannot tell what. And see how finely he expresses it. *Is this a reason to reject the directions of Scripture, because some men will dispute the plainest Texts?* And who I pray are these *some men?* Why (to confine our selves within our memories) Archbishop *Ferne*, Bishop *Sanderson*, Dr. *Hammond*, and all the rest of the loyal Sufferers for King *Charles* the *First* and *Second*. And if I may have leave to add a later Instance, a little while ago Dr. *Sherlock* himself. These were the men that in this point disputed the *plainest Texts*. And who are the other *some?* Why Dr. *Goodwin*, Mr. *Dury*, Mr. *Sanders*, and all the Advocates for the *Rump* and for *Cromwell*; and after these Dr. *Sherlock:* a very fair Account! and the *Scepticism* and *Infallibility* is as plain as can be.

But

But after all my Argument is not touch'd, which is, 'That the 'Laws of the Land are the Rule 'of Conſcience if they do not con- 'tradict the Laws of God. Now if the Laws 'of the Land be *clear* in the caſe, and if it be 'not as evident there is ſuch a Law of God 'which contradicts theſe Laws, unbyaſſed 'Conſcience would ſoon determine, that we 'were bound to follow that which is certain 'and plain, rather than that which is not ſo.

Poſtſcript, p. 11.

Now the Dr. tells me, if *I will give him leave to be ſure of any thing, he is pretty ſure*, there is ſuch a Law of God; that be to himſelf, it is not matter of diſpute. But that the ſenſe he gives of theſe Texts is not ſo plain, is evident to a demonſtration. And I think the concurrent Judgment of all learned men againſt it, is a ſufficient proof of it; but they are but *ſome men*, and the Dr. will not admit them, becauſe it runs men into *Scepticiſm* and *Infallibility*; but I hope he will not except againſt himſelf. He tells us, *He had ſome of theſe thoughts long ſince; but ſtick he did, and could find no help for it; and there he had ſtuck had it not been for Biſhop* Overal's *Convocation book*; what, and the Text ſo very plain in the caſe? How could there be ſuch mighty heſitancy and doubt, and ſuch great difficulty about a plain Text? Cannot a man of the Doctor's Character, by ſtudy and conſideration (for he tells us, *he put his thoughts in writing*) underſtand the *plaineſt Texts*? And I hope (out of reſpect to the Dr.) a man may ſay this is no great evidence of their plainneſs. I ſuppoſe the Dr. acted with ſincerity in his Inquiries, and added reaſonable diligence and induſtry, and yet after all he *ſtuck*, and was not clear in the point; and in ſuch a caſe to talk of *ſome men diſputing the plaineſt Texts* (when they do but *ſtick* as he did) is meer ſwaggering and turns upon him: for if the Texts be ſo very plain, how came it that he himſelf inquiring ſincerely and diligently and uſing all juſt means for information cou'd not underſtand them? if they are not ſo plain, how come their plainneſs to be an Argument? for upon this very point my Anſwer turns, which the Dr. takes no notice of. And I ſhall now leave it with him. *The Laws of the Land are the Rule of Conſcience if they do not contradict the Laws of God*, (and this according to the Dr.) *Now if the Laws of the Land be* clear *in the Caſe, and if it be not as evident there is ſuch a Law of God which contradicts theſe Laws, then unbyaſs'd Conſcience would ſoon determine, that we are bound to follow that which is evident and plain rather than that which is not ſo.*

Pref. to the Caſe of All.

We come now to the Doctor's Teſtimonies out of Scripture; and firſt from the Old Teſtament, That *God giveth Kingdoms to whomſoever he will, that he removeth Kings, and ſetteth up Kings*, Dan. 17. 2. 21. 37. *Now* (ſaith the Dr.) *the whole of his Anſwer is, That Uſurpers are no Kings, and therefore tho God removes and ſets up Kings, he does not ſet up Uſurpers; and the whole of his proof is, that* Athaliah *was an uſurper and no Queen.* Now the Dr. who talks ſo much about the *honeſty* of altering his Order, ſhould himſelf one would think, have dealt more juſtly, and not have mention'd only part of my Anſwer, and in downright terms affirm'd it was the whole. Now my Anſwer was this, 'Theſe (the Expreſſions of 'the Prophet *Daniel*) are certain- 'ly true but nothing to his pur- 'poſe, for God did always ſet up and remove 'Kings; but this was no evidence that God 'would have Uſurpers obey'd as Kings, as is 'evident in the caſe of *Athaliah*. And God 'did as much remove and ſet up Kings in the 'Kingdom of *Judah* as in any other Kingdom; 'and therefore it cannot from theſe Expreſſi- 'ons be neceſſarily concluded, That every 'perſon that gets poſſeſſion of the Throne is 'a King, and ought to have the duties belong- 'ing to a King paid to him. And is this no more than ſaying an Uſurper is no King? or need the Dr. be told wherein the force of this Anſwer lies? which is, That theſe Expreſſions are no Evidence that every perſon poſſeſs'd of the Throne is a King, or that God would have them obey'd as Kings: and that is not (as the Dr. is pleaſed to ſay) only that an Uſurper is no King, but that which the Dr. cites to prove his Hypotheſis, does not prove it, and the reaſon of that is, for that the Prophet *Daniel* delivers a general Doctrine not peculiar to Times and Seaſons, or Countries, but what was always ſo, and *God gives Kingdoms to whomſoever he will, and removeth and ſetteth up Kings* in all Ages and Places, and particularly

Vindic. p. 50.

Poſtſcript p. 12.

ticularly in the Kingdom of *Judah* as well as any other Kingdom. Now if this general Doctrine did not prove that God had given the Kingdom of *Judah* to every one that poſſeſs'd the Throne and took it away from him that was diſpoſſeſſed, if it did not prove in particular, that God had given it to *Athaliah* and took it away from *Joash*, then it is as clear as the Sun, that it cannot neceſſarily be concluded from this paſſage in *Daniel*, that Poſſeſſion of the Throne is an evidence that God gives, and Diſpoſſeſſion an evidence that God takes away the Kingdom; for God gave Kingdoms, remov'd and ſet up Kings, as much with reſpect to the Kingdom of *Judah* as to any other Country. But this it ſeems is no Anſwer, and yet (however it comes to paſs) it anſwers all that the Dr. hath reply'd, as we ſhall ſee preſently. Well but I ſaid *that uſurpers were no Kings*; I did ſo, and I thought I had given a good reaſon for it, and that is, *That all learned men deny that an Uſurper is a King.* But that it ſeems is no Reaſon with the Dr. Let all *learned men*, or all the world ſay what they will, if it does not ſerve the Doctor's turn it is *Nonſenſe*. For that is his whole proof that an *uſurper* is a King. *To ſay* (ſaith he) *that a King without a legal Title, or an Uſurper who has a ſettled poſſeſſion* (in the Doctor's ſence of a Settlement) *of the Regal Power is no King, is Nonſenſe*; yes juſt as much *Nonſenſe* as to ſay that a Man who cohabits with a Woman, and is not lawfully married, is not her Husband. *For* (ſaith he) *Regal Power and Authority makes a King, as S. Auſtin* Regnum à Regibus, Reges à Regendo. Certainly proofs are mighty ſcarce when ſcraps of *Poets* and the derivation of Words are brought for proofs, *Doctor à docendo*, and therefore every man that teaches is a *Doctor*. And yet S. *Auſtin* muſt be quoted for this too, and the *Book* and *Chapter* punctually on the Margin. He might as well have cited *Calepin* or *Robert Stephens*, and their Authority in ſuch caſuiſtical points as theſe, would have been a little more than S. *Auſtin*'s: however he goes on, and tells us *it is certain*, i. e. the Dr. confidently affirms it, tho he does not prove it, that *he who has the exerciſe of the Regal Power and Authority is King whether we will call him ſo or no; and he is no King who has no Regal Power, whatever his Title be.* i. e. *Cromwell* was a King, tho he was not call'd ſo; and King *Charles* the *Second*, the firſt twelve years of his Reign, was no King, tho he was call'd ſo. And this makes our Laws *Nonſenſe* with a witneſs, which own him as King all the time of the Uſurpation; and yet the Dr. adds, *If this be not ſo* (i. e. his propoſition before) *our Laws are Nonſenſe, which diſtinguiſh between a King* de jure *and* de facto, *if a King* de facto *be no King, tho it ſignifies one who is actually King.* Now this is Sophiſtry, and it lies in the Ambiguity of the Expreſſion, a King *de facto* ſignifies one that is actually King; but if it be ſpoken in oppoſition to a K. *de jure*, then it ſignifies one that is in the place of King, but is in truth no King; and a King *de facto* in that ſenſe is no more a King than a Counterfeit is the real thing it ſelf, becauſe it is called by the ſame name. And the Law it ſelf, where this diſtinction is made, plainly expounds what is meant by a King *de facto* by calling the ſame Perſons moſt commonly *pretenced* Kings, *i. e.* Perſons who had that name, but in reality were no Kings at all: And a *pretenced* King is no more a King than a Hypocrite is a Chriſtian, he is one in name and ſhew, but in reality no ſuch thing. Altho I believe there is ſome difference between a King *de facto* and a meer Uſurper, as there is a difference between adminiſtring the Government *ſub ratione juris*, and without any pretence of Right at all. But I ſhall not engage in this Controverſie, the Dr. already being ſo well anſwer'd by a learned pen. 1 *Edw.* 4. cap. 1.

But (ſaith he) *what ſenſe does this make of what the Prophet* Daniel *ſays, that* God changeth Times and Seaſons, removeth Kings and ſetteth up Kings. *By Kings here, according to our Author, the Prophet means, not uſurpers but rightful and lawful Kings. And then the meaning is, that God pulleth down rightful Kings, and ſetteth up rightful Kings. Now as for ſetting up rightful Kings, our Author likes it very well, but how does he like pulling down rightful Kings, which is as much againſt Law and Right, as to ſet up Kings without Right? and that it ſeems he does.* Very well, and ſo he does; and does this contradict any thing that I have aſſerted? God removed *Saul* and ſet up *David*; he remov'd *Joram* and ſet up *Jehu*; he removed *Jehoiakim* and ſet up *Nebuchadnezzar* and all rightful Kings: and where is the harm or abſurdity

ſurdity of this? The Dr. ſays, *that to reconcile it to our Author's Hypotheſis, the removed King muſt ſignifie an Uſurper; and the King ſet up, a Rightful and Legal King.* Now if the Dr. can make this out from my *Hypotheſis*, I will give him the Cauſe. He tells me, *He doubts not, but our Author would be aſham'd to ſay this.* And he is in the right: I ſhould be aſham'd to ſay that, and a great many other things too: but it ſeems he is not *aſham'd* to charge that upon my Hypotheſis, which is a direct contradiction to it. My Hypotheſis, as he repeats it, and diſputes againſt it, is, that *an Uſurper is no King*; and therefore the Removing a King, cannot, according to that *Hypotheſis*, ſignifie the Removing an Uſurper, but of a Rightful King, *i. e.* a true King, not a pretended one: but then I think it follows, that the ſetting up of Kings, muſt ſignifie the ſetting up of true Kings likewiſe, and not Uſurpers, who are not Kings. And this I do inſiſt upon (and it is not a ſtriſe about words) and let the Dr. prove if he can, that an *Uſurper* is a *King*, either in the ſenſe of Scripture, or in any good Author, or by the general conſent of mankind. And if he cannot, then for him to interpret what the Scripture ſays of Kings, in favor of Uſurpers, is purely arbitrary; and he may as well apply the Directions and Precepts of Scripture concerning Husbands, to him that commits a Rape; For an Uſurper is no more a King, than a Raviſher is a Husband. And here is the plain ſtate of the Caſe, The Scripture aſſerts (and if the Scripture had been ſilent, the Doctrine of Providence ſufficiently evidences) that *God removes Kings, and ſets up Kings.* And this proves, that what Kings are remov'd, they are remov'd by God, and what Kings are ſet up, they are ſet up by God: But this does not prove that thoſe are Kings, which are not Kings, or that *Uſurpers* are within the intention of thoſe words, or that every Providential Diſpoſſeſſion, is God's unmaking a King, or every Providential Poſſeſſion of the Throne, is God's making a King; for this was manifeſtly otherwiſe in the Caſe of *David* and *Abſalom*, *Joaſh* and *Athaliah*, and if the Dr. pleaſe, in the Caſe of King *Charles* the Second and *Cromwell*. And this Anſwer the Dr. had before, if he would but have minded it. 'However when Perſons have Poſſeſſion of 'the Throne, who have a Legal 'Title, either by Deſcent, or other 'Acquiſition, and *who are Kings by the conſent of all mankind*, it is plain that God ſets 'them up: And it cannot *neceſſarily* be concluded, that any more is meant by *God's ſetting up Kings*; and if it cannot *neceſſarily* be 'concluded, then there is not from thence any 'ſufficient warrant to call every *Uſurper* God's 'King, and to pay Duties to them accordingly. Poſtſcript, p. 12.

But (ſaith he) *this is evidently the Prophet's meaning, to attribute all the Changes and Revolutions of Government, not to Chance or Fate, but to the Divine Providence*: Well, this is true enough, whether the Prophet meant it or no. The Dr. adds, *That whenever we ſee one King removed, and another ſet up, whoever they be, they are removed and ſet up by God.* And this is true enough, as the words lye; but in the Dr's. ſenſe it is manifeſtly falſe; for the people ſaw *David* remov'd, and it was by God alſo; but God by that Removal, did not give away his Kingdom; they ſaw *Abſolom* ſet up too, and this alſo (in a ſenſe) was by God, but God by that ſetting up, did not make him a King, and give him the Kingdom. *But* (ſaith he) *who* (God) *ruleth in the Kingdom of men, and giveth it to whomſoever he will. Does* whomſoever *ſignifie thoſe only, who have a Legal Right? Does giving, ſuppoſe an antecedent right in him, to whom it is given? Does* giving it to whomſoever he will, *ſignifie giving it only to thoſe, whom the Laws give it? Do we uſe to ſay, a man may give his Eſtate to whom he will, when his Eſtate is entail'd, and he cannot alienate it from the Right Heir? we ſhould think this a very abſurd way of ſpeaking among men? and yet thus our Author muſt expound God's giving a Kingdom to whomſoever he will, to ſignifie his giving the Kingdom to the Right Heir.* Now here are as many *Sophiſms*, as there are lines: and firſt of all, I do readily acknowledge, that *whomſoever* does not ſignifie thoſe only who have a Legal Right; but the fallacy is evident: for God gives all the World, as well as Crowns, to *whomſoever* he will. But for all that, no body

hath a right to private Eſtates but by the Laws of the Land. And it would be a fine Plea, in *Weſtminſter-Hall*, to argue upon God's Donation by Providence; Another man hath a Legal Title, but God gives the World to *whomſoever he will*; and tho he hath no Legal Title, what then? Does *whomſoever*, ſignifie thoſe only who have a Legal Title? Thus likewiſe *giving*, in the notion of it, does not ſuppoſe an antecedent Right, but with reſpect to God's giving, and a Right by Humane Laws it does: for God gives Property to them, who have ſuch a Right; and he does not give it them who have no ſuch Right, tho they may poſſeſs it by fraud and injuſtice. But here the fallacy lys in dividing what ought not to be divided: for what is given by juſt Laws, God gives; and the antecedent Right is the Gift of God; and what God gives by Laws, which he hath made a Rule, is not to be defeated by Providence, which he hath not made a Rule. He asks again, *Does* giving to whomſoever he will, *ſignifie giving it only to thoſe to whom the Law gives it?* I anſwer no; it does not ſignifie ſo; neither does it ſignifie *Poſſeſſion only*. But this I can tell him, it ſignifies every jot as much ſo in Kingdoms and Governments, as it does in private Poſſeſſions and Eſtates. And the Propoſition in Scripture is as univerſal, that God gives every thing, all the Profits, Honors, *&c.* in the World, to *whomſoever he will*: or if it was not in Scripture, it is a Doctrine plain enough; and every man that owns Providence muſt own it. And it is a pure conſequence, that every man who is unjuſtly poſſeſſed of an Eſtate, hath a Divine Right to it, tho not a Legal one; becauſe forſooth *giving it to whomſoever he will, does not ſignifie, giving it only to thoſe to whom the Law gives it.* It is in vain here for the Dr. to anſwer as he does often in his Vindic. p. 58. *Vindication*, That thoſe *matters are refer'd to the Redreſs of publick Laws; but theſe God reſerves to his own cognizance and diſpoſal.* For the Queſtion here, is about the importance and ſignification of theſe Expreſſions. And here his Queſtions turn upon him; Does *whomſoever*, ſignifie thoſe only, who are redreſs'd by *Publick Laws*? Does *giving* ſignifie only a Sentence of a Judg, or the Verdict of a Jury? Does *giving to whomſoever he will, ſignifie giving it only to thoſe, to whom the Law gives it?* And if they do ſignifie ſo, then his Queſtions are vain; if they do not, then his Argument is vain, and there is nothing to be concluded from theſe Expreſſions for the Drs. purpoſe: for they are equally affirm'd in Scripture, and equally true of private Eſtates, as of Governments. The Expreſſion is the ſame, and the Latitude is the ſame in both Caſes: He that gives Crowns, and that gives Eſtates to *whomſoever he will*, equally gives them to *whomſoever he will.* And what difference ſoever there is between Thrones and private Eſtates, between matters above Humane Tribunals, and ſuch as are ſubject to them, there is none at all in *giving them to whomſoever he will.* And if it be a good Argument for Poſſeſſion againſt Legal Right, that *God gives to whomſoever he will*, then 'tis likewiſe a good Argument in all caſes: for God gives to *whomſoever* he will in one caſe, as well as the other. And *whomſoever* and *giving*; and *giving to whomſoever God will*, ſignifie the very ſame in both caſes; *whomſoever* no more *ſignifies thoſe who have a Legal Right*, nor *giving, an antecedent Right in him to whom it is given*, nor *giving to whomſoever he will, giving it only to thoſe to whom the Law gives it*, with reſpect to private Eſtates, than it does to Governments. And if it cannot be concluded from ſuch a *ſignification*, that a wrongful poſſeſſion againſt Law, is God's gift, and ought to be own'd as ſuch, the Drs. Argument from ſuch a *ſignification*, is trifling and fallacious. And that is the only thing in queſtion. And the truth is, ſuch kind of Arguments prove nothing. For the Propoſition in general, that God gives Kingdoms, and that he gives Riches and private Eſtates to *whomſoever he will*, is deny'd by no body that believes a God and Providence. And that is not the Queſtion; but the Queſtion is, whether a Providential Poſſeſſion againſt Legal Right, be a ſuffient Evidence of *That Will*? And that it cannot be concluded from thoſe general Expreſſions, nor from the Doctrine of Providence, is plain enough from the inſtance before: and this ſhews, how unſuitable the Caſe is which he

he brings for a Parallel, *Do we uſe to ſay a man may give his Eſtate to whom he will, when his Eſtate is entay'ld, and he cannot alienate it from the Right Heir?* I ſay no: We do not uſe to ſay ſo, becauſe it is none of *his* to give. But this we *uſe to ſay*, that if any man has an Eſtate of his own to give, he muſt *evidently* give it, before the Perſon to whom he gives it, can have a good Title to it: And if he that claims by ſuch Gift, has no other Evidence but Poſſeſſion, I doubt that will be no bar to the *Heir at Law*. And it would be a Ridiculous Plea for ſuch a Poſſeſſor, to ſay that he that own'd the Eſtate, might give it to *whomſoever* he would. And *whomſoever* did not *ſignifie* the Heir at Law; nor did *giving to whomſoever he would*, ſignifie giving it only to thoſe, to whom the Law gives it. And if the Dr will give me leave to uſe his own Expreſſions, *Thus the Dr. expounds God's giving Kingdoms to whomſoever he will.* And after a train of ſuch wretched fallacies, the Dr. concludes with this Magiſterial Rant, *He may if he pleaſe, call this expounding Scripture; but I doubt every body elſe will give it to ſome other name; and I hope he himſelf upon ſecond thoughts will be aſham'd of it.* Now I do not know what the Dr. will be *aſham'd of*: but if Sophiſtical Arguments, eſpecially if they relate to the interpretation of Scripture, be matter of *ſhame*, I ſhall leave it with him, who has the moſt occaſion to be *aſham'd*.

But (ſaith he) *it is more abſurd ſtill, if we apply it to the occaſion*, viz. *thoſe great Revolutions and Changes of Empires, which the* Prophet *foretold, and which he attributes to God*: And where is this great abſurdity? Why ſaith he, *when Kingdoms and Empires are overturned by violence, it is* non-ſenſe *to talk of God's ſetting up only Rightful Kings, not Uſurpers.* Yes, by all means; To ſay that *Nebuchadnezzar* was a *Rightful* King, is *non-ſenſe*. And to ſay that the *Romans* were *Rightful* Governors, is *non-ſenſe*; and the Convocation ſpeak *non-ſenſe*, when they expreſly affirm it. To ſay that forceable and violent Beginnings, may afterwards acquire a Right, is *non-ſenſe*. Theſe it ſeems are ſuch things which no body can underſtand, and they plainly contradict the Reaſon of Mankind. Now I grant, that *non-ſenſe* is an *abſurdity*; but I think 'tis *abſurd* likewiſe, to charge any Propoſition with *non-ſenſe*, and not be able to make it out. *But* (ſaith he) *Kingdoms are not transferred, nor Kings remov'd, nor ſet up by Law: And therefore when the* Prophet *tells us with reſpect to ſuch violent Revolutions, that God changes times and ſeaſons, that he removeth and ſetteth up Kings, an ingenious man muſt be hard put to it to ſay, this is not meant of Uſurpers, but of Rightful and Legal Kings.* And why ſo I pray? Is it ſo very hard to conceive, how violent Revolutions, may end in a Legal Right, and become Juſt Governments? Or is there any neceſſity from the violence of the Revolution, to conclude, that a Prince ſetled in the Throne upon ſuch a Revolution, could not have acquir'd ſuch a Right? This is plainly falſe in fact: The Revolution in *Judæa* by *Nebuchadnezzar*, was as violent as any, and yet he had acquir'd a Right to the Government of it, by the Submiſſion of the Legal Prince, as well as by God's expreſs Will: And this is the firſt inſtance that theſe words of *Daniel* refer to; and the ſame is to be ſaid of all the reſt of the Governments within the Compaſs of that Prophetical Interpretation. And therefore the *violence* of the Revolution, is no Argument for the Unrightfulneſs of the Government. And tho the Prophet tells us, with reſpect to ſuch violent Revolutions, that God removes and ſets up Kings, it can never from thence be concluded, that by ſetting up Kings, is meant Uſurpers; becauſe in the very Caſe to which the words refer, thoſe Kings were not Uſurpers: And becauſe the nature of the thing does not imply it: for a Revolution may be violent, and yet the Government ſetled upon it, be Legal and Rightful, and not Uſurpation. And this I take to be the ſtate of the Caſe: Revolutions are not made by Laws, but thorough Settlements are: and it is not a Revolution, but a thorough Settlement, that diſtinguiſhes between an Uſurper, and a Rightful King; or if the Dr. pleaſe, between a King and no King. He that in a violent Revolution, as violently poſſeſſes himſelf of the Throne, and hath no more Right to it after, than before, is an Uſurper, and no King; but he that

Convoc. p. 82.

afterwards acquires a Right, is a King, and no Uſurper. The Dr. differs as to the notion of a Settlement; but the inference, even with reſpect to his own notion, is the ſame: for he owns, that it is not a duty to obey a Perſon in Poſſeſſion of the Throne, 'till he is thoroughly ſetled (in his ſenſe). And that is, till then, he is no King; for he is a King of Clouts, whom no body is bound to obey; ſo that either way it is not *God's ſetting up*, or *ſetting upon the Throne*, that denominates a King, but that joyn'd with other Circumſtances, and the Queſtion between us is, Whether that is the Conſent of the States and People, or the Acquiſition of Right.

The Dr. ſays, *If I will allow the diſpoſſeſſed Kings to be Legal Kings, he wonders how I ſhould fanſie, that thoſe Kings who diſpoſſeſs the Rightful Kings, and place themſelves in their Thrones, ſhould in my ſenſe be Legal and Rightful Kings too.* And yet I had told him how, as plain as I could ſpeak, by the Death or Ceſſion of thoſe diſpoſſeſſed Kings. And the Dr. if he pleaſe, may wonder ſtill; but it had been as well, if he had anſwer'd it.

I now come to his Teſtimony from the New Teſtament, Rom. 13. 1, 2. *Let every Soul be ſubject to the Higher Powers; for all power is of God*, &c. To this I ſaid, that *by Powers, the Dr. underſtands Uſurped as well as Lawful Powers. And his Reaſon is, becauſe the Scripture makes no diſtinction between Kings and Uſurpers.* And to theſe, the Dr. adds thoſe words he had mention'd in his *Caſe of Allegiance (between Kings whom we muſt, and whom we muſt not obey)*: And then tells me, *theſe laſt words I conceal, becauſe they ſpoil all my Argument.* And if they do ſo, I will confeſs it was ill done to conceal them: But if they do not, 'tis humorſome and captious to complain of it. And let us ſee his Reaſon; *For* (ſaith he) *he adds, I thought the Caſe of* Athaliah *had been a Diſtinction, and had this precept been given in thoſe days, I wonder whether any body would have doubted of whom it ought to be underſtood, of* Athaliah, *or* Joaſh. Very well, this was my Argument; but how comes this to be ſpoyl'd by thoſe laſt words? That I cannot tell; and it may be, the Dr. will tell me in his next. But at preſent he replys, *There was a diſtinction between* Athaliah *and* Joaſh, *that ſhe was an Uſurper, and he a Rightful King:* and the Dr. makes a *Diſtinction, between an Uſurper, and a Rightful King, with reſpect to their Uſurpation and their Right: But* (ſaith he) *this I ſay, the Scripture makes no diſtinction between a Rightful King and an Uſurper, with reſpect to the obedience of Subjects, while they are ſetled in the Throne.* No! What does he think of ſetting up *Joaſh* when out of poſſeſſion; and depoſing *Athaliah*, when in poſſeſſion? This I think is a diſtinction between a Rightful King and an Uſurper, *with reſpect to the obedience of Subjects.* And, with the Drs. leave, I am apt to believe, that Killing on the one hand, and Crowning and Allegiance on the other hand, is a conſiderable *diſtinction* in that reſpect. What follows that *in reference to this, the Caſe of* Athaliah *is no Example of ſuch a diſtinction, becauſe the* Jews *might and did lawfully ſubmit to her, and that ſhe was afterwards depos'd, was owing to the Divine Entail.* This hath been urged, and anſwered before, and it is not at all to the Drs. purpoſe now. For the Queſtion here is *only*, whether there be ſuch a *diſtinction* in Scripture, with reſpect to the Subject's Obedience. And if the ſetting up *Joaſh*, and the depoſing and ſlaying *Athaliah*, be not a *Diſtinction*, there is no ſuch thing as a *Diſtinction* in the World. The Dr. adds, *Had this Law been given to the* Jews *at that time, while* Joaſh *was conceal'd, it muſt have been expounded of* Athaliah, *who had poſſeſſion of the Throne, when* Joaſh *was known and anointed, it muſt have been expounded of him, as having a Divine Right to the Throne of* Judah. That is to ſay, this Law would have been expounded of the Uſurper, if there be no Right Heir, or none known; but when the Right Heir is known, it is to be interpreted of him, and not of the Uſurper. As if any body could think this Law would have been expounded of *Joaſh*, if he had not been living, or had not been thought to have been living. But what, I pray has this *Concealment* to do in the matter? The *Diſtinction* is not between the *Concealment* of the one, and the *Poſſeſſion* of the other, but between *Right* and *Uſurpation*, and both viſible: between *Joaſh* out of Poſſeſſion, and

Vindic. p. 52.

Poſtſcr. p. 12.

and *Athaliah* in Poſſeſſion of the Throne. And here is the Queſtion, *of whom ought this Precept to be underſtood, of* Athaliah *or* Joaſh? if of *Athaliah*, then ſhe was ordain'd of God, and to reſiſt her, had been to receive Damnation, which was plainly falſe; for ſhe was reſiſted and killed, and both juſtify'd: Beſides, if it was to be underſtood of *her*, then it could not be underſtood of *Joaſh*; for it cannot be interpreted of Two Competitors. But if it muſt be underſtood of *Joaſh*, then a Rightful Prince out of Poſſeſſion, is the *Higher Powers* in the ſenſe of this Text, and an Uſurper in Poſſeſſion, is not. And then the whole Reaſon of the Drs. Argument fails, then the *Powers that be*, may be the *Rightful Powers* out of Poſſeſſion, in the intention, and according to the direction of that Text. And then there is a *Diſtinction in Scripture between Kings whom we muſt obey*, and Uſurpers (the Dr. calls them *Kings*) *whom we muſt not obey*; which is the thing to be proved.

I proceeded, *But (ſaith the Dr.) if the Apoſtle had intended ſuch a Diſtinction, he ought to have ſaid it in expreſs words, and why ſo I pray?* The Dr. replys, *I gave him a reaſon for it, which he is pleaſed to conceal, why ſhould we think the Apoſtle here intends a diſtinction unknown in Scripture?* But ſure I did not conceal this, for I had ſpoken to it juſt before, as much as I thought needful; and I did not ſee any reaſon to repeat it again. The Dr. adds, he ſaid, *had there been any ſuch Rule before given to ſubmit to lawful Powers, but not to ſubmit to Uſurpers, there had been ſome pretence of underſtanding St.* Paul's *all power, of all Legal Power; but there being nothing like this any where elſe in Scripture? If he had intended any ſuch diſtinction, he ought to have ſaid it in expreſs words, or elſe no body could reaſonably have underſtood him to intend this Precept of Subjection to the higher powers, only of Powers that had a Legal Right.* Now I cannot tell why the Dr. ſhould ſay I conceal'd this, for I anſwer'd it, and that I think is not concealing it. I had ſaid *are there not general Rules about right and wrong, which extend to all Caſes and Perſons?* And if they extend to *all Caſes and Perſons*, then there are Rules in Scripture about the Right and Wrong of Government, and about Legal and Uſurped Powers, and ſo I meant it, and could mean nothing: and ſo that if the Dr. had any Reaſon to diſprove this he had no Reaſon to ſay, *This I thought a very good Reaſon, and did not expect to have been asked for more, till they had been anſwer'd:* for that is a very good anſwer to it, as we ſhall ſee preſently. Vindic. p. 53.

He goes on, *But (ſaith our Author) does not the nature of the thing ſufficiently diſtinguiſh it?* He replyes, *the nature of the thing diſtinguiſhes between a Legal King, and an Uſurper; but the nature of the thing does not prove, that uſurped powers are not the higher powers, and ought not to be obey'd, but I think proves the quite contrary:* that is to ſay, the nature of the thing diſtinguiſhes between who has, and who has not a Right to the Government. And that I think is ſufficient to diſtinguiſh between who are, and who are not *the Higher Powers*. And it had been ſuperfluous to diſtinguiſh in expreſs terms, what is imply'd in the very Precept; as the Precept to obey Parents, Husbands, Maſters, do not expreſly diſtinguiſh between thoſe which are, and thoſe which are not ſo; for 'tis always imply'd, and an expreſs diſtinction is needleſs. And there is no Rule in Scripture given, to ſubmit to lawful, and not unlawful Husbands, and Maſters, any more than there is to ſubmit to lawful and not unlawful Governors. But I think for all that, no body queſtions of whom the Precept is intended; or that thoſe that are the lawful, are thoſe only that are meant, altho there be no expreſs diſtinction excluding the unlawful from any ſhare or partnerſhip in it. But the truth is, that is always imply'd, and ſuch caſes are under the direction of general Rules. And therefore I ſaid, *Are there not general Rules about Right and Wrong, which extend to all Perſons and Caſes?* By which I meant, that the Rights and Wrongs that reſpect Government, are under the direction of thoſe Rules, as much as the Rights and Wrongs that concern Private Property. He that unjuſtly poſſeſſes another man's Throne, is as much an unjuſt Poſſeſſor, as much bound to Reſtitution; and men are as much bound not to partake with him, Poſtſcript, p. 12.

him, and become party's to his injuſtice, nor to ſupport and abet it againſt Right, by virtue of theſe general Rules, as they are the ſame in private Caſes. He that abets an unjuſt Poſſeſſor of the Throne, is as much *Particeps criminis* as he that abets an unjuſt Poſſeſſor of any other mans eſtate. And now let us hear his reply, *Yes* (ſaith he) *there are* (ſuch general Rules) *ſuch is the Apoſtle's Rule in this Chapter*, to give to every one their due: *But then the Queſtion returns what is their due?* Before I conſider his Anſwer, I ſhall crave leave to give him this Anſwer to his Queſtion, Poſſeſſion of the Throne is their *due*. And this I think can never be deny'd by a man that owns the diſpoſſeſſed Prince hath ſtill a *Legal Right, by virtue of which he may recover his Throne if he can*; and if he hath a Right to it, then it is *due* to him: And I would fain know how engaging, and endeavouring all we can, and ſwearing to keep him from his Right, be a compliance with this Precept *to give to every man his due*. The Dr. hath a ſubtle Diſtinction between a Right to the Government, and a Right to Allegiance, which I ſhall conſider preſently, but if it was granted him, it will not evade the force of this Argument; for ſuppoſe the Poſſeſſor of the Throne had a Right to Allegiance, and the diſpoſſeſſed Prince a Right to the Government; how comes Allegiance to warrant an Act of injuſtice, to pray and fight, and do all we can, againſt a manifeſt Right, and which we know to be ſo. If he ought to have the Government, as the Dr. expreſſes it, *he ought to be King but is not*, then 'tis injuſtice to keep him from it; for no man *ought* to have what can *juſtly* be kept from him. And then I would fain know by what Rules of Conſcience, Allegiance (if it were due) can juſtifie our acting againſt a moral Law. For if obedience be not his Right, the Crown is, and obedience to the moſt Rightful Prince in the World will not excuſe our aiding and aſſiſting him, in the unrighteous taking or keeping another man's Eſtate, if it be notorious and manifeſt.

Caſe of Alleg. p.

We come now to the Drs. Anſwer to this Queſtion, *What is their due? whether Subjection and Obedience be not due to the Prince, who governs, not to the Prince who does not, and cannot govern, whatever his Legal Right to the Government be?* And to this he ſays, *becauſe the controverſie turns on it he ſhall particularly conſider it.* The Arguments he ſays is this, *He who by the Laws of the Land has a Right to the Crown, has a Right to our Allegiance; and whether he be in or out of Poſſeſſion to own any other King, and to ſubmit and pay Allegiance to any other, though actually poſſeſſed of, and ſetled in the Throne, is a great injuſtice to our natural Prince, and a violation of that precept to give to every one their due.* To this the Dr. Anſwers, *Here are two things to be conſidered, 1. The Right to the Crown. 2. The Right to Allegiance.*

As for the firſt the ſubſtance of his Anſwer is, *The fundamental prejudice and miſtake, ſeems to be, the making no difference between a Legal Right to the Crown, and a Legal Right of Subjects to their Eſtates*; but the Dr. *apprehends a great difference, that in ſetling an Eſtate, nothing more is required but a meer Humane Right, but to make a Legal King, beſides an Humane Right to the Crown he muſt have God's Authority: Nothing but a Legal Deſcent and Poſſeſſion gives Right to a Legal Eſtate; and therefore the Law muſt have its effect: And is the only adequate Rule of right and wrong in ſuch Caſes; and tho the Providence of God allots mens private fortunes, yet he gives no man a right to an Eſtate which he gets by fraud, nor exempts them from Legal puniſhments, but leaves all ſuch meer Legal Rights, under the general influence of Providence, to the care of Publick Government. But if a meer Humane Right cannot make a King, but God's Authority makes a King; if God reſerves this Authority in his own hands, and does not inſeparably annex it to Humane Entails of the Crown, if God's Authority without a Humane Right can make a King, but Humane Laws cannot make a King without God's Authority; this may ſatisfie us, that when God thinks fit to interpoſe his Authority, a meer Legal Right is not ſufficient Reaſon to adhere to a Prince God has removed from the Throne; nor the want of a Legal Right, ſufficient reaſon to diſown a Prince, whom God has ſet upon the Throne.* Now here is ſome variety of expreſſion, but very little new matter but what the Dr. had ſaid, and what is anſwered before; but he hath a peculiar delight in repeating

peating his Anſwers over and over; but I hope I may be excuſed if I do not follow him in that. And therefore as to the difference in the Events of providence, with reſpect to Government and private Eſtates; and as to God's reſerving his Authority in his own hands, and his interpoſing by providence: I ſhall refer the Reader to the Anſwers I gave before to them; at preſent this Anſwer is ſufficient: That the Law, and not Providence, is the adequate Rule of right and wrong with reſpect to Governours, as well as with reſpect to the Poſſeſſors of private Eſtates, and the Law ought to have its effect in one caſe, as well as the other; and I would feign know how providence comes to be a *Rule of right and wrong* in any caſe, or what ſenſe the Dr. can make of ſuch a propoſition? 'tis mere trifling and fallacious to ſay, that *to make a Legal King, beſides a Humane Right to the Crown, he muſt have God's Authority.* And what then? therefore he that has Poſſeſſion and no Legal Right has God's Authority? This is a wild conſequence; He that is Maſter of the *Temple* hath a Legal Right to it, but beſides that Right he muſt have God's Authority to preach and adminiſter the Sacraments; and therefore whoſoever by Intruſion and Uſurpation Preaches and Adminiſters the Sacraments there, is Maſter of the *Temple*. The Dr. knows well enough, that we have no controverſie with him about God's Authority; but about the Communication of it, whether this Authority be communicated by the *Events* of providence (the methods and intentions of which are unſearchable) or by fixed and ſtated Rules, allowed and commanded by God himſelf to be obſerved; or whether the Subject in whom this Authority reſides, be him that has a Legal Right to the Government, or him that has no Right; ſo that it is not at all to his purpoſe to prove, that a Legal King muſt have God's Authority, or that God's Authority makes Kings; for no body doubts of that, but the Queſtion is, whether the Authority of God be annexed to the Legal Right, or to the Events of providence. He ſays, *God does not inſeparably annex his Authority to Humane Entails.* Right, but then he does annex it, tho not inſeparably, and no body can ſeparate it but himſelf, and the Queſtion is, whether a meer eventual Poſſeſſion be ſuch a ſeparation; God does not inſeparably annex property to Legal Right, but may diſpoſe of it by his own Sovereign Will and Council; He gave the *Egyptians* goods to the *Iſraelites*, as well as *Joram*'s Crown to *Jehu*. And therefore the *fundamental miſtake* the Dr. ſpeaks of, of *making no difference between a Legal Right to the Crown, and a Legal Right of Subjects to their Eſtates* is no miſtake at all; for there is no difference with reſpect to God's Sovereign Will, no difference with reſpect to providence, which is the main Queſtion. Well, *but for ſetling an Eſtate, nothing more is required but a meer Humane Right: But to make a Legal King, beſides an Humane Right to the Crown, he muſt have God's Authority; by ſetling an Eſtate*, the Dr. means a *Right* to it; otherwiſe it is not to the purpoſe, which is concerning a difference between *Legal Right* to the Crown, and a *Legal Right* to private Eſtates; as he ſays afterwards, *nothing but a Legal deſcent, and a Legal Poſſeſſion gives Right to a Legal Eſtate.* And this is his own miſtake, for God is Proprietor of all the World; and all the World is his as well as Authority, and no man can have a Right to any part of it, but as that Right is derived to him from God, *meer Humane Right*, or meer Humane Law, gives no more Right to a private Eſtate, then it does to Authority; for all is Gods, and it is not the peculiar Caſe of Authority, but every thing elſe paſſes by delegation and commiſſion from him; no man hath a Right to his Eſtate or Goods, and no man hath a Right to Authority but what God gives. But the only Queſtion is, how theſe Rights are conveyed; and that is by the reſpective Laws of each Country, he that hath a Right by Law, hath a Right from God, and he that hath not a Right by Law hath no Right from God: The Laws as authorized and appointed by him, are the Channels whereby this Right is conveyed; and he that poſſeſſes himſelf any other way, makes a property to himſelf, but he hath no Right to it, and God does not give it him: This therefore is not (as the Dr. talks) confining God, but obſerving the Rules and Methods he himſelf hath warranted and directed. There are indeed ſome Caſes, wherein the Law makes a Property, and God does not; but this is quite contrary to the Drs. Hypotheſis and confutes it: And that is, when by fraud and injuſtice and corrupt means,

men

men gain Eſtates; they may have a Title in Law to their unjuſt acquiſitions, but they hold them by Uſurpation, and have no Right to them with reſpect to God, and are bound to reſtore them, which is a Demonſtration they have no Right to them, nor hath God given them, tho he permits them by his providence to poſſeſs themſelves of them. And this plain and undeniable Doctrine, ſits hard upon more principles than one of the Drs. And from thence it plainly follows, he that attains any thing by unjuſt and wicked arts, hath no Right to it in reſpect of God, whatſoever he may ſometimes have in reſpect of Men; and if he that unjuſtly gains a ſhilling is ſo far an Uſurper, and hath for that reaſon no Right to it from God, then he that by as bad or worſe arts Uſurps a Throne, has likewiſe no Right to it in reſpect of God: And this directly contradicts the fundamental Doctrine of the Drs. Books.

But perhaps the Dr. may like this better in his own words, and he may find them in his *Diſcourſe of Religious Aſſemblies* (p. 85.) *There is a vaſt difference between God's permitting the proſperity of bad men, and that conſtant providence which watches over good men; bad men may advance themſelves by injuſtice, oppreſſion, and perjury, but they are not advanced by the bleſſing, but by the permiſſion of God, for God never bleſſes any wicked arts; and therefore ſuch mens proſperity is very uncertain, and as tottering as the* **Thrones of Uſurpers**; *for tho they have a good Title with reſpect to men, yet they are but Uſurpers, with reſpect to God, and therefore are tumbled down at his pleaſure.* Now this I take to be very good Doctrine, and the Dr. hath not formally renounc'd it, but he hath inverted the Argument, and ſet it with the *heels* upward; and *Now* thoſe that by the moſt wicked and unjuſt arts are Uſurpers with reſpect to men, have a Divine Right and a good Title with reſpect to God, which is ſuch a way of God's giving Right, and men receiving a Right from him, that no Caſuiſt in the World ever dreamed of before.

2. *As for the Right to Allegiance*, The Dr. tells us, *it was the great deſign of his book to prove, that Allegiance was not immediatly due to a Legal Right to the Crown, but to Government, that therefore he denies a Prince who has the Legal Right, no Right which he can juſtly claim, who denies Alleg. to him, when he is out of the Throne. And* (ſaith he) *methinks our Author ſhould have anſwered all that I ſaid upon this Argument, before he had ſo dogmatically told us, that the* general Rules about right and wrong, which extend to all Perſons and Caſes, *made it needleſs, for St* Paul *to have told us, that by the higher Powers, and the Powers that are, he meant only Legal Powers.* Now I thought I had anſwered his Argument from providence, and which alſo 'till now the Dr. tells me otherwiſe, I took to be the *great deſign* of his book; and his Argument, *that Government and Allegiance are Relatives* was not quite neglected, and the Dr. found it ſo; and what is it that I have not anſwered upon this argument? why as he now repeats it, *That Allegiance is not due to Legal Right but to Government*, &c. Now I have proved over and over, that Allegiance is due only to the Legal Prince; that it is not due to an Uſurper, who actually adminiſters the Government, but to the Legal Prince when he does not actually adminiſter it. And that I think is anſwering it; but ſome men complain for want of anſwers, when they have more already then they can tell what to do with. But the Dr. is ſure *the Reaſon of things does not prove the contrary: For when the Allegiance and Obedience of Subjects, is a duty only for the ſake of Government, for the eaſe and ſafety of it, it is very ſtrange, that it ſhould not be due to a ſetled Government, but due to a Prince, who does not, and cannot govern*; cannot govern? who hinders him? why, as the Dr. puts the Caſe, the Uſurper and his Confederates; and that is an argument that they owe him no Allegiance; juſt as *Cromwell* and his accomplices firſt diſabled the King, and then cryed they ow'd him no Allegiance, becauſe he could not protect them. *But Allegiance is for the ſake of Government, and therefore whoever actually governs (let him be who he will) hath a Right to Allegiance*; but firſt, arguments drawn from the *ſake* and *end* of things to prove the tranſferring of Rights and Duties are abſurd and inconſequent; Marriage is for the *ſake* of Conjugal Society; and if a Husband is impriſoned or under force, ſo as he cannot keep his Wife company; it is *very ſtrange*, that ſhe ſhould not

not be a Wife to him that does keep her company, and not to him, who neither does nor can; and juſt ſuch another argument, is the Drs. from the *ſake* of Government: But the Truth is Allegiance, is not due to *Government*, nor is it for the ſake of Government, but it is due and owing to the Perſon of the Prince, by the Laws of God and Man; and therefore follows his Perſon, whether in or out of Poſſeſſion. But let us put the Argument into the terms of the Queſtion, and inſtead of *Government* put *Uſurpation*, and then ſee what the *Reaſon* of things prove, and then I think it is plain enough, that *the Allegiance and Obedience of Subjects, is not a duty* only or at all *for the ſake of Uſurpation*, nor were they ever intended *for the eaſe and ſafety* of Uſurpation, but the contrary, what is a duty for *the ſake and ſafety* of the Legal Government, is for the prevention and deſtruction of Uſurpation: And it is ſomewhat extraordinary to ſay that was for the *ſake* of Uſurpation, which was deſigned to prevent it.

Vindic. p. 56. The Dr. proceeds, *if I may have liberty to diſpute with this Author upon his own Principles, I deſire to know of him, whether Allegiance be due to any Prince upon any other account, than his being inveſted with God's Authority? Let him ſay it at the utmoſt peril of his Cauſe.* Now I confeſs I am not very fond of giving up my Cauſe *gratis*, except the Dr. could give me ſome better reaſons for it; yet becauſe the Dr. threatens, and he intimates, that I am no very *cool* man, and ſo may be apt to be provoked; this I will ſay, and let him make his beſt of it; That Allegiance is due to the Prince upon the account or by the obligation of Humane Law: Now this is either *another account* or the very ſame; if *another account*, then the Drs huffing Queſtion means nothing, and there is no peril in ſaying ſo, if the very ſame, then Humane Law in this Caſe is God's Authority, and God's Authority is derived by Humane Law, and then his Arguments mean nothing. And this Anſwers his following Queſtions, *How then does God inveſt any Prince with his Authority of Government, whom he does not immediatly nominate as in the Kingdom of* Judah? why truly juſt as he inveſts a man with a property to any of his Goods or Eſtate, even by Law and Common Right. But ſaith he, *it muſt be either by annexing his Authority to the Legal Office, or by placing ſuch a Perſon on the Throne by what means ſoever he does it, or by both.* I do not know what the Dr. means by *Both*; the controverſie is, when there is a competition between *Legal Right* and *Uſurpation*, and then the Queſtion is, which of theſe are inveſted with God's Authority? And then I ſay, that God annexes his Authority to the Perſon, who hath a Right to the Government, and not to the Uſurper who hath no Right. And this is an anſwer according to my Principles which the Dr. pretends to diſpute upon. But if the Dr. had rather have it in his own expreſſions, then I ſay, that God does annex his Authority to the *Legal Office*. And he, whoſe the Legal Office is, has God's Authority, whether he be or be not actually poſſeſſed of that Office; the Office is his who hath a Right to it, and the Authority is his from God, and no body elſe hath either the Authority or the Office, but intrudes upon both, and invades God's Authority, as much as he does another mans Office. But ſaith he, *then it is certain, no Prince can have God's Authority, who is not in Poſſeſſion of the Throne, and then no Allegiance can be due to him.* Now this conſequence lies a great way of, and at firſt ſight a man would be apt to admire how it ſhould follow from the premiſſes, for tho it might do pretty well from one of the branches, from *placing a Perſon on the Throne by what means ſoever*; yet how comes it to follow from the other, from *God's annexing his Authority to the Legal Office*. The Propoſitions are complex and made up of ſeveral parts, and the concluſion is drawn from one of them; for how does it follow, becauſe God hath annexed his Authority to the Legal Office; therefore no Prince hath his Authority who is not in Poſſeſſion of the Throne? is there any more an inſeparable connexion between the Legal Office of a King, and Poſſeſſion of the Throne, than there is between a Legal Eſtate, and an Illegal Poſſeſſion of it? A Legal Eſtate is the right owners, whether he be poſſeſſed of it or no, and a Legal Office is his who hath a Right to it, and all the Authorities, Privileges, and Preeminencies that are annexed to it are his, whether he actually has the office in Poſ-

P ſeſſion

ſeſſion or not. Property is annexed to Right and not to Poſſeſſion; and whoſoever hath a Right to any thing, that thing is his, and no bodies elſe, and whoſoever hath a Right to an Office, the Office is his, and the exerciſe and adminiſtration of it, does not alter the Property; Well, but the Dr proves it, *If*, ſays he, *God's Authority be annexed to the Regal Office, a Prince muſt be in the actual adminiſtration of the Regal Office and Power, before he can have God's Authority.* Now this is nothing but the old ſtory of *Actual Adminiſtration* over again, only it was before applied to *King* and *Government*, and here it is apply'd to the *Regal Office*. But the Argument and Anſwer is the ſame; the Regal Office is his who hath a Right to it, whether he be poſſeſſed of it or no; *And if God's Authority be annexed to the Regal Office*, it is annexed to his Perſon whoſe the Office of Right is, and not to his, whoſe it is not; every thing is the right owner's, whether it be in his own Poſſeſſion, or injuriouſly kept from him: Another man may uſurp it, but if he does, it is none of his own, he may have the Poſſeſſion, but the Property is in the right owner. The *Regal Office* is the Kings Property, and he hath all the Authority annexed to it, whether he can, or cannot actually adminiſter it; but the Uſurper has neither the Office nor the Authority, and all that he has is an unjuſt adminiſtration, and a wrongful Poſſeſſion of that which is none of his own; and I would fain know which way he ſhould have the Authority, when the Office to which the Authority is annexed is none of his. But the Doctor proves this from a Parallel Caſe, *as a man muſt be actually married before he can have the Authority which the Divine Laws give to a Husband*, that is to ſay, a man muſt be a Husband, before he can have the Authority of a Husband; right, and ſo a man muſt be a King, before he can have the Authority of a King: So ſoon as a man is married he hath a Right to the Marital Authority; and his Right and Authority commence and end together: The Drs. ſaying *Actually* married is ſuperfluous, except there had been ſome Marriages which are not *actual*, but this was put in to compleat the Parallel, and to ſuit with the *Actual Adminiſtration of the Regal Office*, which notwithſtanding is no Parallel at all; there is a likeneſs between *Actual* and *Actual*, and yet not in the Drs. ſenſe neither, for *actual* with reſpect to the adminiſtration of the Regal Office, is oppoſed to a Legal Right; but actual with reſpect to marriage is oppoſed to nothing, only a word put in to make up a ſimilitude of ſound, but not of ſenſe. But however as to *marriage*, and the *Actual Adminiſtration* of the Regal Office, there is no likeneſs at all; and if the Dr. would have made the Caſes Parallel, he ought to have inſtanced in the *actual adminiſtration of the Marital Office*. And this would plainly have ſhewn the weakneſs of his Argument: The Husband hath the Authority annexed to his Perſon, tho he does not or cannot actually govern his Wife, nay tho another actually governs her; his Authority laſts as long as his Right, and the ungovernableneſs of his Wife on the one hand, or impriſonment or other impediments on the other hand, putting him into ſuch circumſtances as he cannot actually adminiſter this Authority; theſe make no alteration in the Authority, tho they do in the exerciſe and adminiſtration; but the Authority of a Husband remains with him whether he does or does not, whether he be or be not able actually to put it in execution; which ſhews plainly, that the Authority which is annexed to any Office, is not likewiſe annexed to the actual adminiſtration of it: But he who has the Right has the Authority too, tho he does not or cannot, nay tho another does and can actually adminiſter it. He that adminiſters without an antecedent Right, adminiſters likewiſe without Authority; and if the actual adminiſtration may be without the Authority, then the Authority may be without the actual adminiſtration. But ſaith the Dr. (a little after) *To call a Right to the Crown the Authority of Government, is contrary to the ſenſe of mankind, when they ſpeak of Sovereign Princes*; methinks the Dr. ſhould have but little ſtomach to appeal to the *ſenſe of mankind*, which he ſo notoriouſly contradicts: His fundamental Doctrine concerning Providence and Uſurpation, and almoſt all the Arguments to ſupport them, are contrary to the ſenſe of mankind, except the Doctrins of *John Goodwin* and his Fellows be the *ſenſe of mankind*. Well! let that be as it will let us hear his Reaſon; *for* (ſays he) *he has the actual Authority, who actually adminiſters the Government, and it is actual Authority*,

thority, which is God's Authority, not Authority in fancy and Idea, *for God does not give Authority to govern without the Power of Government, which is a very fruitleſs and inſignificant Authority.* I anſwer, That *he who actually adminiſters the Government*, and has no Right to it, has no *Authority* at all; and therefore no *actual* Authority, he hath actual Power, but actual Power, and actual Authority are two things. And what does he mean by *Actual Authority?* If he means by it *real* Authority, as he ſeems to do by oppoſing to it Authority *in fancy and* Idea, then I ſay it is *actual*, i. e. *Real* Authority which is God's Authority, but I ſay likewiſe, that he that hath the Right hath this real Authority, and he that *Uſurps* and hath no Right, hath Authority only *in fancy and* Idea, for his Authority has no foundation and is built upon nothing; for whatſoever ſtands upon force and not Right is Equivocal Authority and the name is abuſed whenſoever it is ſo applied. 'Tis the Authority of *Lyons* and *Bears*, of *Banditti* and *Mob's Troopers*, who have indeed *real* force, but the Authority is *Chimera* and imagination. And what I pray is *actual adminiſtration* of Government without Right, but *actual force?* But it ſeems according to the Dr. all Authority that is not reduced into act and exerts it ſelf in power, and forcible adminiſtrations *is authority in fancy and* Idea, *a very fruitleſs and inſignificant Authority*, and ſuch Authority as is not God's Authority, and God does not give it; and what then does he think of the Authority of King *Charles* the Firſt after he was impriſoned, nay after he was condemned, had he then God's Authority or not? Did God's Authority leave him ſo ſoon as the Rebels had laid hold of him, or ſo ſoon as they had condemned him? could they by proſperous villany, as they had beat his Armies ſo drive from him God's Authority too? could they by a moſt abominable and curſed ſentence degrade him from his Regal Character, and releaſe the Subjects from the duties of Allegiance they ow'd to him, and to God's Authority with which he was inveſted? This I ſuppoſe the Dr. will not ſay, but then it follows, that *Authority without Actual Adminiſtration is not Authority in fancy and* Idea; *and that God does give his Authority to govern without the Power of Government* (in the Drs. ſenſe) And the diveſting of Power and actual adminiſtration is not diveſting a Prince of God's Authority, which remains with his Perſon, and the Character is indelible. I do not know what the Dr. means by *a very fruitleſs and inſignificant Authority*, wicked People would not obey it, and they murder'd the *Lord's Anointed*; and ſo far indeed it was *fruitleſs*; but if that be a reaſon of the inſignificance of Authority, 'tis a Reaſon againſt God's Authority too, for neither will they obey him; but that is no impeachment to God's immediate Authority, nor yet to his Authority veſted in his Vicegerent. He was the *Lords Anointed* ſtill, and ſo remained to the laſt minute of his life; the *Regicides* had the Power of Government, and he had not, but that did not transfer God's Authority from him to them; but he was the ſame King, and had the ſame Authority from God upon the Scaffold as he had upon the Throne; from whence 'tis plain enough that Authority is not annexed to actual Power or actual Adminiſtration; wicked People may take away the Power of Government, but they cannot take away the Authority. And this is the very ſame in all the inſtances of Authority in the World, the reſpective Powers of Father, Huſband, Maſter, may be ſuſpended by the ungovernableneſs of thoſe under their Power, or by other accidents, or they may be exerciſed by other Perſons: But the reſpective *Authorities* all this while are annexed to the Rightful Perſons, and not to the Exerciſe or Adminiſtration: No man hath any more Authority than he hath Right, and he that exerciſes an Authority without Right, makes an Authority to himſelf, but he hath not God's Authority. In all ſuch Caſes indeed, there is not Power to force and compel, which the Dr. calls a *fruitleſs and inſignificant Authority*; but for all that it is not Authority *in fancy and* Idea, but real and valid; the Authority of a Parent (and Paternal Authority is as much God's Authority as the Regal) does not ceaſe to be the ſame Authority, nor to bind to obedience, when he has not *Power* to reſtrain the undutifulneſs and rebellion of his Children; and if it were our own Caſe, we ſhould ſoon diſtinguiſh that we had Authority, tho we had not Power, and they were bound in Conſcience to obey us, tho we were not able to make them. And here is the ſtate of the Caſe, Authority binds the Conſcience, and Power can force the outward man: And that it ſeems is very ſignificant,

ficant, which can hurt, impriſon or fine us, but it is *a very fruitleſs and inſignificant* Authority, which only obliges in Conſcience.

Vindic. p. 57. The Dr. proceeds to conſider the Parallel caſe I had inſtanced in (13. Heb. 17.) *The Apoſtle exhorts to obey them, that have Rule over you meaning the Miniſters of the Goſpel: Now the Apoſtle makes no diſtinction between lawful Miniſters and Intruders, and yet we muſt underſtand it of* lawful Miniſters.

He anſwers, *But theſe Caſes are by no means Parallel; For the Author to the* Hebrews *had no Reaſon to make any ſuch diſtinction, which yet was neceſſary for St.* Paul *to have done, had he intended his Precept ſhould be underſtood only of lawful Powers*; his proof is, *The Apoſtle to the* Hebrews *knew who had the Rule over them at that time, that they were lawful Miniſters, and he exhorts the* Hebrews *to obey them, and had he added ſuch a diſtinction, it would have inſinuated, that he knew ſome among them who were not lawful Miniſters, and ſuch a ſuggeſtion without naming the Perſons, would have made them jealous of them all, and ſpoiled his Exhortation of obeying them.*

To this I anſwer, 1. The Drs. Reaſon is abſurd. 2. The ground of it is improbable.

1. His Reaſon is abſurd, and that is, *Had he added ſuch a diſtinction, it would have inſinuated he knew ſome among them not lawful Miniſters, and without naming them, would have made them jealous of them all, and ſpoiled his exhortation of obeying them.* A mighty ground of Jealouſie indeed! I ſuppoſe for ſome of the Drs. Reaſons, becauſe of the difficulty *of examining of Titles, and carrying men into the dark Labyrinths of Law and Hiſtory*, (which is one of the Drs. weighty Reaſons for ſubmiſſion to actual Government and Uſurpation:) And was it ſo hard a matter for them in thoſe days to know who were, and who were not their lawful Miniſters, who were, and who were not ſent, and conſtituted by the Apoſtles? and methinks it is a pretty odd reaſon, if the Apoſtle had named *lawful Rulers*, it ſhould make them ſuſpicious of their *lawful* Rulers; it might have put them upon inquiry where there was doubt, and there is no harm, but a great deal of reaſon in that, but it would have ſecured and confirmed their obedience where there was no doubt: The Dr. tells us, the Hebrews *knew whom St.* Paul *meant by theſe who had the Rule over them, and St.* Paul *knew they were ſuch as ought to be obeyed.* Well! did the *Hebrews* know St. *Paul* meant them as *lawful* or as *actual* Miniſters, if as *lawful* Miniſters the Drs. reaſon of *jealouſie* is a trifle, for then it had been the ſame thing, whether he had or had not expreſly named it, for it is implied, and that is all one with naming it, and then the adding ſuch a diſtinction in expreſs terms imports no ſuch inſinuation as the Dr. ſuggeſts (which I think is plainly the Caſe): If only as *actual* Miniſters, then I doubt by virtue of this precept, they were to ſubmit to a Miniſter *de facto*, tho not *de jure*, for if there was danger in naming *lawful* Miniſters, leſt they ſhould be *jealous* of their *actual* Miniſters, that Reaſon extends to all *actual* Miniſters; and ſo there is a fair gap opened for Uſurpers, Hereticks, and Apoſtates and they, if they could perſwade the People to own them, might claim the benefit, and be within the intention of this Precept; for it ſeems *lawful* was not to be named, leſt it ſhould make them *jealous*, which had indeed been a ſure way to prevent their jealouſie, but not their being ſeduced, which ſeems to be the main end of the *Apoſtle* in this Precept. But this is more abſurd ſtill, if this Precept be conſidered as a ſtanding and perpetual Rule for all Ages of the Church: Do all People know whom the Apoſtle meant, as well as the *Hebrews*? and did St. *Paul* know that all that bear ſpiritual Rule ought to be obeyed? Muſt not lawful be named leſt it ſhould be inſinuated, ſome are not *lawful Miniſters* or leſt any Body ſhould be *jealous* of their Paſtors? This is inconſiſtent with the Apoſtles own Cautions, to beware of *Dogs* and to avoid Hereticks, and with all experience. And I ſuppoſe the Dr. will not deny but that it had been better for them, and for Religion, if ſome People had been jealous of their Paſtors: And the truth is (as the World goes) a little jealouſie does well, and there is no great Reaſon to take every man for a Miniſter within this Precept, who calls himſelf ſo, and *actually* Rules; and this Precept is no Caution againſt jealouſie; and in other places St. *Paul* directly adviſes it. So that if the Dr. was any Reaſon with reſpect

Caſe of Alleg. p. 192.

to

to the *Hebrews*, it is none with reſpect to the reſt of the World, except the Dr. can think there never was, nor never can be any actual Miniſters but who were lawful ones and ought to be obeyed: And the Dr. himſelf tells us, to juſtifie his expoſition of the 13 to the *Romans* in the next Page upon the account of actual Government, *with reſpect to the reſt of the World, he ought to have made this diſtinction in expreſs words if he intended any diſtinction ſhould have been made*; and I conceive the Epiſtle to the *Hebrews*, is of as general direction as the Epiſtle to the *Romans*.

2. The Ground of the Drs. Reaſon is improbable; and that is that there were no falſe Teachers among the *Hebrews*; that there were Seducers and Hereticks before the time of the writing this Epiſtle (which is generally concluded to be the laſt but one of St. *Pauls* Epiſtles) is evident from all the Reſt of the Epiſtles, and that *Judæa* among all the Plantations of Chriſtianity, ſhould be the only Climate without them, is not very accountable. The Apoſtle in this Chapter cautions againſt ſeducement. (Heb. 13. 9.) *Be not carry'd about with divers and ſtrange Doctrines.* And theſe I ſuppoſe were not the Doctrines of their Lawful Miniſters, whoſe *Faith* he adviſes them to follow (v. 7.) as well as to ſubmit to them (v. 17.) And to apply this to the Drs. reaſon, I wonder why the diſtinction of *ſtrange Doctrines*, ſhould not make the *Hebrews jealous* of *all* the Doctrines their Miniſters taught them, as well as the diſtinction of lawful Miniſters ſhould make them *jealous* of all their Miniſters. Reaſons ſure are very ſcarce when ſuch things as theſe are given for Reaſons; but ſomething muſt be ſaid, and it is great pity the Dr. ſhould be preſſed with an Argument and have nothing to ſay to it.

But (ſays he) *St.* Paul *gives a general charge to be Subject to the higher Powers and generally affirms, that all Power is of God; and therefore, if he had not intended that we ſhould underſtand this, as univerſally as he expreſſes it*, of all powers *however they came by their Power, he ſhould have limited it to Legal and Rightful Powers*: Very well! and I pray is not the charge to the *Hebrews* as *general* as that to the *Romans*? it is not ſaid indeed obey *all* them that have rule over you; but it is expreſſed indefinitely (which is equipollent to an univerſal) and in conſtruction it is to be underſtood univerſally, and means the ſame, as if it had been expreſly ſaid *All* them that Rule. And if it did not, the Drs. Reaſon would be yet more pleaſant, for if by *them that have Rule over you*, may be meant *ſome* and not *all* of them that have Rule, then the Apoſtle did more than *inſinuate that he knew* ſome *among them that were not lawful Miniſters, and without naming the Perſons, ſuch a ſuggeſtion would have made them jealous of them all, and ſpoiled his exhortation of obeying them*; So that if for nothing elſe, for the ſake of his own Reaſon, he muſt be forced to admit, that it is to be underſtood in an univerſal ſenſe. There is but one thing more, and that is St. *Paul generally affirms that all Power is of God*, and is not all Spiritual Power *of God* as well as Secular? That the Dr. will not deny: Now we muſt remember the Dr. tells us, *theſe caſes are by no means Parallel*: And yet when he comes to ſtate the Caſe of the 13 to the *Romans*, he has not made the leaſt title of difference. All Secular, and all Spiritual Power is of God, the charge in both is general, and the Precepts require to obey *all* them that Rule in one Caſe as well as the other; and if theſe Caſes be not *Parallel* with reſpect to the preſent controverſie, no man living knows what a *Parallel* is. For what are the Drs. Reaſons for *his* Caſe? why the *General charge*, the *univerſality* of expreſſion, the want of *expreſs limitation*, and here they are all, and in a Caſe of obedience to Rulers alſo. And as an addition to the Parallel, we may caſt in the Drs. Principle and Argument from Providence, which equally fits a *Providential Paſtor*, as a *Providential King*; and therefore there is the ſame Reaſon to underſtand both precepts with the ſame limitation, and by *all Rulers* and *all Powers* we are to underſtand all *Lawful Rulers* and all *Lawful Powers*, and as an *Uſurper* in the *Church*, is no Biſhop, nor Prieſt, nor Church Ruler, within the intention of *this* Precept, tho he *actually* Rules; ſo neither is an *Uſurper* in the *State* a *King*, nor the *Higher Powers* within the intention of *That* Precept tho he *actually* governs.

I added, 'The Drs. Reaſon is againſt him, 'there has ever been a diſtinction in the World 'between Legal and Uſurped Powers, and 'tis

'proba-

'probable enough St. *Paul* (who was so learned 'a man) knew it, and if he had intended to 'enjoyn obedience to Usurped Powers, 'tis pro-'bable he would have said so in expres's terms, 'but since he never said it, we have reason to 'conclude he never intended it.

The Dr. replies, *I doubt not St.* Paul *did know it, and knew also that the* Pharisees *made this objection against their submission to the* Romans, *and for that reason he affirms that* all Power is of God, *and that they must be subject to the* Higher Powers, *without any distinction, which he would not have done, if any distinction ought to have been made, when he knew the dispute was about the* Romans *whom they looked upon as Usurpers over* Israel, *who were God's peculiar People and Inheritance.*

Now I doubt not but the *Pharisees* as well as other People did distinguish between *Legal* and *Usurped Powers*, and there was no fault in that; I doubt not likewise but they as well as the rest of the World, did think that Allegiance was not due to *Usurped Powers*, and that was not their fault neither; but their fault was that they thought as the Dr. does, that the *Romans* were Usurped Powers, as the Dr. rightly, *they looked upon the* Romans *as Usurpers over* Israel, when in truth they were their *lawful* Magistrates, and the *Convocation* expressly affirms they were so But from whence does the Dr. collect that the Apostle had an eye to this opinion of the *Pharisees* as he states it? The Epistle was written to the Converts at *Rome*, amongst whom as there were several *Jews*, so there were a great many *Gentiles*, and of those *Jews* 'tis probable there were not many, if any at all of the *Pharisees*, who (according to the account we have of them in the *Gospel and other Histories*) were of all the *Jews* the most obstinate against Christianity and implacable ehemies to it; now the Dr. intimates, that this opinion of the *Pharisees* was singular and peculiar to them only. And it does not seem reasonable that St *Paul* should obviate an objection, which perhaps not one of them made to whom he wrot, and for whom he intended the direction of this Precept; and as the Dr. intimates no body else made it besides the *Pharisees*, and who wou'd give as little heed to St. *Paul*, as they did to Christianity it self. And I believe another and more convenient reason may be assign'd, the Christian Converts either then actually were, or in a short time would be in a state of Persecution from the Heathen Emperors, and this might tempt them to undue behaviour towards their lawful Governours: The Pleas of *Liberty*, *Religion* and the *illegal* and *unauthoritative* acts of Kings were as plausible then, as they have been since, and I believe any man that impartially considers the scope and tendency of this precept, will find, that the end of it was to press the necessity of obedience, and to shew the wickedness and danger of Resistance in any case, and not to answer an objection of the *Pharisees*, which in all probability was foreign, and not at all concerned the *Roman Jews* and *Gentiles*, who had embraced Christianity; and truly just so the Dr. himself interprets it, and never 'till now (to serve a good purpose) thought that it had any respect to the *Pharisees* or their objections. And to this I add, that if the Apostle had intended to obviate this objection of the *Pharisees* it seems reasonable, and as I said, *'Tis probable he would have enjoyn'd obedience to Usurped Powers in expres's terms*, and this would have effectually answered the objection, and there would have been no avoiding it; but as 'tis now expressed 'tis matter of dispute, and the *Pharisees* might have been of the same mind with the Dr heretofore, and thought St. *Paul* only meant it of *Legal Powers*; and had that been the *Apostles* end there cannot easily be given a Reason why he did not roundly express it? There would have been no danger from the Government, as the Dr. knows by experience, who puts the Question of *Usurped Powers*, and writes a Book upon it; and the objection would have been plainly answered, and the Subjects might without hesitancy rest satisfied upon it: But if we may believe the Dr. the Case had not been the same, if he had expresly named *Lawful Powers*, tho he had intended it, for *that would have insinuated, that he knew some who were not lawful Powers, and such a suggestion without naming them, would have made the People jealous of their Governours, and spoiled his exhortation of obeying them*; and so if the Dr please he hath given us a Reason why St. *Paul* should not name *Lawful Powers* had he meant them. But why he should not

Case of Resist. ch. 4.

P. 82.

name

name *Usurped Powers*, had he intended them, he hath given no Reason.

But the Dr. adds, *Tho there was a distinction between Legal and Usurped Powers, there was no distinction made in point of obedience to them, but only by the* Pharisees; *and therefore with respect to the rest of the World, he ought to have made this distinction in express words, if he intended any distinction should have been made.*

Now as to the *Pharisees*, I suppose the Dr. hath enough already, and to shorten the Dispute, I will grant him, *that if there was no distinction with respect to the rest of the world, between Legal and Usurped Powers, in point of obedience to them*, then it was reasonable for St. *Paul*, to have expressed *lawful powers*, had he intended by this Precept to have enjoyn'd obedience only to them. But then it follows, if there was always *such* a distinction, then there is the same reason that he ought to have express'd *Usurped Powers*, had he intended to enjoin obedience to them. Now I had urg'd him over and over, to shew me any one approved Author, who had asserted, that *Tyrannus sine Titulo*, The Case of his Book, and the Case now before us, was any lawful or any true Government; and the same I had put to him with respect to the Text in hand: and after all, he names but two, *Mr. Calvin* and *Grotius*, one against whom there is just exception; and the other is directly against him: And after such a slender proof, peremptorily to say, *that all the world besides the* Pharisees, *make no distinction with respect to obedience, between Legal and Usurped Powers*, looks as if he depended more upon confident assertions, than clear proofs. Let him prove this if he can, by induction of particulars; the World is wide enough, and men have not been nice in giving their judgments in this particular. The Question is handled by almost all the *Civil Lawyers*, *Moralists*, and *Casuists* extant; and I will joyn issue with him upon it when he please: but to invent a new Scheme of Government, and without any proof, to father it upon all the world, is a little too much for any man but the Dr.

I had charg'd upon this interpretation of the Convocation Book, *That it justifies an unreasonable and impious Doctrine, by making the Acts or Permissions of Providence, a Rule for practice, against Right and Justice.* This the Dr. confesses to be a very unreasonable and impious Doctrine: and says further, *were I sensible that any thing I have said, would justifie this Doctrine, I would immediately renounce it.* Now whether the Dr. be sensible of it or no, is not for me to determine; but that he does justifie such a Doctrine, I think I have made it evident enough. But after a recital of what he had said before, and which I think, has no need to be repeated so many times over; to be even with me, he tells me, *The truth is, our Author writes at that rate, that it is to be feared, some people will suspect, that he does not believe a Providence, or does not understand it, or has a mind to ridicule it.* These are hard words, if the Dr. could but prove them: But this is the least in his thoughts. Why did not he produce any one Doctrine, or one Expression of mine that tended that way? There is one small reason for it; because he could not. I have nothing to say to the ingenuity of such a practice, let the Dr. satisfie himself about that, as well as he can. But when he is so hard put to it to discharge his account of Providence from justifying an *unreasonable* and *impious* Doctrine, when he hath not answer'd any one of my Arguments, nor so much as offer'd at them, (as we shall see presently) in the very same case to fall a recriminating, and crying out of *disbelieving* and *ridiculing* Providence, is a strain of *Billingsgate* Logick, and nothing else but out-facing an Argument, instead of answering it. And this will be yet more plain, when we see his Reason: *For* (says he) *let me ask him, does God make Kings in* England, *or not?* But how comes this Question to prove, that I *deny* or *ridicule* Providence? For it is brought for that reason, if his Particle [*For*] means any thing. And if the proof depends upon answering this Question; the Dr. should have staid a little, before he had told me, what *some people will suspect*, except those people would

Postscript, p. 13.

Vindic. p. 58.

suspect

ſuſpect alſo what I would anſwer. And then I do not know, how far a previous ſuſpition, may juſtifie the charge of a future-fact: or becauſe the Dr. ſuſpected, that I would give an *Epicurean*, Ignorant, or Atheiſtical Anſwer; therefore to ſave further trouble, and to diſpatch the buſineſs all at once, he might charge me with not underſtanding, or ridiculing Providence, by way of anticipation. He goes on, *if He does* (God makes Kings in *England*) *(which I hope our Author will grant, or he renounces the* Jure Divino *with a witneſs)* and is that ſuch a buſineſs? Why may not a man *renounce* the *Jure Divino*, as well as *Legal Powers*, if there be occaſion, *is any man forbid to grow wiſer, and to alter his mind when he ſees good reaſon for it?* Me-thinks he might let *renouncing* alone: but *if God does make Kings in* England, *how does he make them, he ſends no Prophets among us to anoint Kings?* But to ſave him the trouble of any more Queſtions, I anſwer, tho God ſends no *Prophets*, he ſends *Laws* among us, to tell us, whom he hath appointed to reign over us. God doth not govern mankind like Beaſts in a Deſert, where every thing is Prey and Poſſeſſion, but by the Rules of Society, which confine and determine Property, and fix the bounds of it: And it would be a wiſe Queſtion to ask, How does God make a man a Right Poſſeſſor of an Eſtate in *England?* He does it by his Providence, but it is according to Laws: How did God make Kings in *Judah*, after he had entayl'd the Crown? why he made them by his Providence, but it was according to that entail; and ſo in other Kingdoms God makes Kings, and private Proprietors by his Providence, but it is according to the ſtandards of Right and Juſtice, that are fix'd and ſetled among men, and authoriz'd and confirm'd by God himſelf, and by the expreſs declarations of his will: And whatſoever exceeds, and is contrary to theſe, is Invaſion and Wrong, Robbery and Rapine, expreſly diſallow'd, and forbid by God himſelf. And to ſay God gives by his Providence, what he forbids by his Revealed Will, is an Impious Doctrine, and juſtifies my charge againſt the Drs. interpretation, that it makes Providence a Rule of Practice, againſt Right and Juſtice. And a man may as well ſay, that God gave to *Adam* and *Eve* the forbidden fruit, tho he forbid them upon pain of Death, to eat of it, becauſe all Events are by Providence; and they were permitted by Providence to take it.

Pref. to Caſe of Alleg.

And this anſwers what follows: *Suppoſe*, ſays he, *a Prince aſcends the Throne, by the moſt unjuſt force and ungodly arts, who places ſuch a Prince on the Throne, if God don't?* P. 59. *Our Author according to his Principles muſt anſwer, that by God's permiſſion he uſurps the Throne, but is no King, much leſs a King of God's making; well, let him call him what he pleaſe, it ſeems a Prince may aſcend the Throne, and govern a Kingdom for many years, without God's Authority; and then I deſire to know, whether God rules in ſuch a Kingdom, while an Uſurper fills the Throne:* I ſay yes, God does govern by his Providence, but not by communicating his Authority to the Uſurper. And what does the Dr. think of thoſe times of Uſurpation in this Kingdom between 48 and 60? Did God govern in the Kingdom of *England* all thoſe 12 years or not? And therefore what he ſays, *for indeed will any man ſay, that God governs ſuch a Kingdom, as is not govern'd by his Authority or Miniſter?* is perfect fallacy by his own Principles; for he himſelf ſays it: and I ask him, had the *Rump* or *Cromwell* God's *Authority* or not? If they had, then four or five Leaves of his Book, and his account of their not being ſettled, and all that he ſays on that Head, is meer trifle, and contradicts what he ſays here: For if they had God's Authority, they ought to be obey'd, and no pretences of Loyalty could excuſe it. But if not, then God may govern a Kingdom, when thoſe perſons, who actually govern *for many years*, have not his Authority; nor yet are his Miniſters (otherwiſe than as the Devil and wicked men are Miniſters to execute the deſigns of his Providence, but not as deriving any Authority from him: or thereby claiming any Right by vertue of their Actual or Providential Government.) And thus his following Queſtion is anſwer'd, *Does Providence and Government ſignifie only his permiſſion? that God looks on, and ſees men ſnatch at Crowns, and take them and*

and keep them, and exerciſe an Authority, which he who is univerſal Lord of the world never gave them? Now here is a large compaſs, and if the Drs. Argument ſignified any thing, it would prove, that all the Sinful Events that ever were, or ſhall be in the world, have God's Authority reſpectively annex'd to them: for if it does follow, that becauſe *Providence and Government do not ſignifie permiſſion*, that becauſe *God does not meerly look on the affairs of the world, therefore whatever Authorities and Powers men* ſnatch, *and exerciſe, and keep, God who is the univerſal Lord of the World, gives them.* Then it plainly follows, that whatever Powers men have, and whatever Poſſeſſions or Goods they *ſnatch or keep*, tho never ſo unjuſtly, they are all the Gifts of God, and there is a Right and Property in them deriv'd from the Univerſal Lord of the World. But to our Inſtance And then the *Rump* and *Cromwell*, and the *High Court of Juſtice*, exercis'd God's Authority, and *Charles* the Firſt was murder'd, and his Son rob'd of his Crown by God's Authority: For *Providence and Government* ſignified the ſame in thoſe days as they do now. And I wonder what the *peoples conſent ſignifies* according to this Doctrine? *Does Providence and Government ſignifie permiſſion*, when the people do not conſent, but not when they do? *Does God look on, and ſee men ſnatch at Crowns, and take them, and keep them, and exerciſe an Authority, which he never gave them*, when there is no conſent in *Parliament*, but otherwiſe when there is? One of theſe, the Dr. muſt forſake, and I believe he had better ſtick to the *Authority* of the *Regicides* and *Cromwell*, for then his Principles will be conſiſtent, and all of a piece, whereas now they agree like fire and water, and perpetually claſh and contradict each other.

Here the Dr. ſtarts an Objection, *that to ſay that proſperous Uſurpers are placed in the Throne by God, and have his Authority, is to make God a party to their wickedneſs.* And thus he anſwers, *This is another Argument, not meerly againſt God's making Kings, but in general againſt God's Providence and Government: for if God cannot direct and over-rule the wickedneſs of men to accompliſh his own wiſe Counſels and Purpoſes, without being the* Author *of thoſe ſins, whereby ſuch events are brought to paſs, there is an end of the Providence of God, or of his Holineſs or Juſtice.* And then he takes abundance of pains to prove, that *God can over-rule the ambition of Princes, and the faction and Rebellion of Subjects; that if he can permit the wickedneſs of men, without being guilty of their ſins, To direct and over-rule their wickedneſs to wiſe purpoſes, can be no blemiſh to Providence:* And who denys this? But what is all this to the purpoſe? Is there no difference between *over-ruling* wickedneſs, and giving Authority to it? Is it the ſame thing to *over-rule the Ambition of Princes, and Rebellion of Subjects to wiſe ends*, and to Crown them with the Higheſt Priviledges and Prerogatives, to ſtamp a Divine Character on them, and to command all men to Obedience and Reverence. God can, and does over-rule the wickedneſs of men, to accompliſh the wiſe and juſt deſigns of his Providence; but is that any argument, that a wicked poſſeſſion, is a Divine Right, and a Patent from Heaven, when a man is ſpoyl'd of his Goods or Eſtate, by the moſt wicked and unjuſt means, God may over-rule that wickedneſs, to chaſtiſe and correct the Right Owner for his Sins, or to cure his Dotages and Carnal Affections, or to improve his Patience and Vertues. But does this create a Right and Property in the Cheat or Robber? In the Preſent Caſe, God may over-rule the wickedneſs of Uſurpation, to chaſtiſe the Sins of a Prince or People, or to try the conſtancy and fidelity of men to their Principles, or for other wiſe ends; But is this a proof, that an Uſurper is *Jure Divino?* To *over-rule* wickedneſs, and to transfer a Right to it, are two very different things. The Dr. inſtances in the Crucifixion of our *Saviour, which was the moſt glorious deſign of God's Providence, and was accompliſh'd by very wicked means*, and which were over-ruled by God, to ſerve that glorious end; but that did not give any *Authority* to *Judas* to betray him, nor yet convey any Divine Right to the Thirty Pieces, which he receiv'd as the Reward of his Treachery.

And therefore the Dr. hath not put the Objection right with reference to the diſpute between us; and it ought to have been this, *That to entitle a wicked Uſurpation to God's Authority, and a Divine Right, is to make God a Party to their wickedneſs.* And then I would fain ſee, how this comes to be *an argument againſt God's Providence in general?* For what tho *God can* and does *direct and over-rule the wickedneſs of men to accompliſh his own wiſe counſels and purpoſes, without being the Author of thoſe ſins whereby ſuch events are brought to paſs?* How I pray does this deny any thing of God's *directing* and *over-ruling* wickedneſs? Is it all one to *direct* and *over-rule* wickedneſs to wiſe Counſels and purpoſes, and to *give authority* to it? To give authority to wickedneſs, is to own and authorize it, to put upon it his own *image and ſuperſcription*: And to aſcribe this to God, is to make him a *party* to it, if it be poſſible to know what that word means. And therefore what follows is quite beſide the purpoſe:

P. 60. The Dr. ſuppoſes *no man will deny, but God may give the Kingdoms of the World to whom he pleaſe, and pull down one Prince, and ſet up another without injuſtice*; and then tells us, *the only diſpute can be about God's bringing ſuch events to paſs by the wickedneſs of men, and what hurt is there in this, if God can ſo over-rule the ambition of Princes, or the faction and rebellion of Subjects, as to do that in purſuit of their own luſts which God for wiſe and holy reaſons, thinks fit to have done.* Why truly I know no *hurt* in all this; only it is not at all to the purpoſe, till the Dr. will pleaſe to ſhew us, how *over-ruling* comes to ſignifie *giving Authority.* He ſuppoſes again, *an Ambitious Prince, which God may permit to ravage, and depopulate, and ſubdue Kingdoms*; and then asks, *Which moſt becomes the Divine Wiſdom to ſuffer ſuch men, when they pleaſe to overturn Kingdoms, and to bring horrible deſolations on the World, only to gratifie their own luſts, or to give the Rems, and proſperous ſucceſs to them, when he ſees fit to new model the World,* &c. and then adds, *I am ſure, this much more becomes the Wiſdom and Juſtice of Providence, than a bare permiſſion of ſuch violence, without any farther deſign, which does not become the wiſe Governor of the World.* Not to meddle with thoſe bold expreſſions, what does, or what does not *become the wiſe Governor of the World*, I am ſure, it *becomes* us to ſpeak a little more modeſtly. And ſuppoſe God hath ſome farther deſign, in permitting ſuch Violences and Deſolations, than barely permitting them, does it follow therefore, that he gives his *Authority* to thoſe Violences and Deſolations? The Drs. Inference is, *And if God may permit ſuch wickedneſs and violence, without being a Party to their wickedneſs, much more may he over-rule their wickedneſs for wiſe ends, and make them Executioners of his Juſtice, in puniſhing a wicked Age, and transferring Kingdoms*, that is to ſay, As God by permitting the wickedneſs of men, is not a party to their wickedneſs; ſo neither is he by over-ruling it. Right! But where is the Conſequence, and therefore the entitling Uſurpation to his Authority, is not making him a Party to their wickedneſs; he adds indeed, *And then why may not God give them thoſe Kingdoms he hath overturned by them?* This is the only Point, and it is dwindled into a Queſtion: And the very Queſtion deſtroys all that is ſaid before. God may give them thoſe Kingdoms if he pleaſe: But then if he does, this is not *over-ruling* wickedneſs, but conferring a juſt Title; and God indeed is not a Party to their wickedneſs, becauſe they are Righteous Poſſeſſors. But then we are never the nearer to ſatisfaction: The Queſtion ſtill returns, Is Prodence, in oppoſition to common Right, ſuch a Gift? So that all this while, we are but where we were. The Dr. gives a Reaſon, *For I ſuppoſe it is as agreeable to the Sovereignty, Wiſdom and Juſtice of God, to give a Kingdom to a Violent Uſurper, as to ſuffer a Wicked, Impious and Tyrannical Prince to aſcend the Throne with a Legal Title, which,* ſays he, *God often does.* Now here are two things to be obſerv'd.

1. God may give a Kingdom to an Uſurper, if he pleaſe, as well as he did to *Jehu*; but then

then when he hath given it him, ſuch Gift extinguiſhes his Uſurpation, and he juſtly and honeſtly poſſeſſes it; and whatever wickedneſs he might be guilty of before, it is none to wear that Crown which God gives him. So that indeed in ſuch a Caſe God is not a Party to their wickedneſs; but the Reaſon is not, becauſe *God permits wickedneſs with a farther deſign*, or becauſe he *over-rules it, to accompliſh his own wiſe ends*; but becauſe it is not Wickedneſs and Injuſtice.

2. What the Dr. brings for a Parallel, confutes him. *God may permit an Impious and Tyrannical Prince to aſcend the Throne*, and he may likewiſe permit him to *ravage* and *depopulate*, with a *farther deſign to over-rule them to accompliſh his own holy and juſt purpoſes*. But then this does not give God's Authority, to his *Impious* and *Tyrannical Acts*. And I would fain ſee a good reaſon, why God's having a *farther deſign in permitting wickedneſs*, and *over-ruling* it, gives his Authority to *Uſurpation*, any more than it does to *Tyranny*?

And the truth is, the Drs. account here furniſheth us with admirable meaſures of Juſtice and Righteouſneſs; and let us tranſlate this Doctrine to other matters of Providence beſides Government, and ſee then how it looks; and this we may do by the Drs. allowance: for he tells us, it is *an argument not only againſt God's making Kings, but againſt Providence in general*. And therefore *I ſuppoſe, no man will deny, but God may give the* **goods of this world** *to whom he pleaſe, he may* **take them from one, and give them to another** *without injuſtice, the only diſpute can be about God's bringing this to paſs by the wickedneſs of men; and what hurt is there in this, if God can over-rule the* **violence** *and* **rapine** *of men, as to do that in purſuit of their own luſts, which God for wiſe and holy reaſons thinks fit to have done: ſuppoſe a* **wicked and cunning man,** *ſpurr'd on by* **covetouſneſs,** *whom God may permit by* **fraud and violence to wrong and oppreſs all his neighbours,** *I ask any man, which moſt becomes the Divine Wiſdom, to ſuffer ſuch men, when they pleaſe, to* **ſpoil their neighbours,** *only to gratifie their own luſts, or to give them ſucceſs when he ſees fit to chaſtize and puniſh* **ſuch perſons in their goods or eſtates.** *I am ſure this much more becomes the Wiſdom and Juſtice of Providence, than a bare permiſſion of ſuch violence, without any farther deſign. And if God may permit ſuch wickedneſs, without being a party to it, much more may he over-rule it for wiſe ends, and make them the Executioners of his Juſtice, in puniſhing* **wicked people.** *And then why may not God give them thoſe* **Goods or Eſtates,** *which he hath* **taken away** *by them? For I ſuppoſe, it is as agreeable to the Sovereignty, Wiſdom and Juſtice of God, to give* **ſuch Goods or Eſtates** *to a violent* **Robber or Oppreſſor,** *as to ſuffer a* **Legal Proprietor to riot and revel, to ſpend them upon his Luſts and Vices, or to make them** *Inſtruments of Injury and Injuſtice?* And is not this pure Doctrine, and admirably ſuited for the advancement of Righteouſneſs? And it is notwithſtanding the true ſtate of the Drs. Arguments here; for ſuch reaſonings extend equally to all Caſes of Providence, to the Caſe of private property, as well as to that of Crowns and Scepters: And the whole Scheme is as applicable to one Caſe as well as the other. The Dr. tells me upon another occaſion, which I here return him, *he may if he pleaſe, call this* giving account of Providence, *but I doubt every body elſe will give it ſome other name; and I hope he himſelf, upon ſecond thoughts, will be aſham'd of it.* P. 51.

The Dr. repeats my charge againſt his interpretation again, *That it juſtifies an unreaſonable and wicked doctrine, by making the Acts or permiſſions of Providence, a Rule for practice againſt Right and Juſtice*: and ſays, *as for Right and Juſtice, it has been conſider'd already; let us now conſider, how far the Providence of God may be the Rule for practice.* Vindic. p. 61.

It is indeed (ſaith he) *an impious Doctrine to juſtifie every action, and every cauſe which has ſucceſs; God many times proſpers very*

evil designs, when he can serve any good end by them; and therefore to measure the good or evil of things, by external Success, to conclude, that it is God's Cause which the Providence of God prospers, confounds the differences of Good and Evil, and destroys all the standing Rules of Right and Justice. Now the Drs. *Hypothesis* is this very same *impious Doctrine.* For of two Persons claiming the Government, who is, and who is not King, who hath, and who hath not a Right to Allegiance: That the obligation of an Oath made to the Person of the Governor ceases, tho his Person and his Legal Right be still in being. That 'tis necessary, and a duty, to take an Oath contradictory to that, to another Person; all this is purely to be determin'd by Providence, without any manner of other Right or Title, and contrary to a plain and known Rule, acknowledg'd by the Dr. himself, and by all the world. And if this be not to make *external Success the measure of Good and Evil*, and *to conclude, that to be God's Cause, which is prosper'd by Providence*, I wish the Dr. would tell me, what is. And if he please likewise to favour me with the Solution of this Question, Whether Usurpation be God's Cause? if it be, whether the Dr. hath any other proof of it, besides external success, and the Providence of God prospering it? if it be not God's Cause, what can justifie our swearing to abett, support and maintain it? So that either the Dr. must maintain this *Impious Doctrine*, that God's Cause is to be measured by *Success* and *Providence*, or another as *impious*, that we are bound in Conscience, to do the utmost to maintain that which is not *God's Cause.*

But, saith he, *yet it is so far from being an impious Doctrine, that it is a necessary duty, to conform our selves to the Divine Providence, and to discharge those duties and obligations, which the Providence of God lays on us, according to the nature and intention of the Providence:* Now if by the *nature and intention of Providence*, the Dr. means, that God by such a *Providence*, intends to lay such duties on us, it is true enough, and we are bound to conform our selves to the Divine Providence, and to discharge those duties: as when God by his Providence puts us into a state of affliction, it is our duty to conform our selves to his will, and to perform the Duties that Providence points out to us by that dispensation, to be patient, constant, and faithful, to be sure to keep a good Conscience, and not be affrighted from our duty, nor discourag'd in the practice of it. These are duties that are consequent upon such a state, and which the Divine Providence directs us to, and the nature and intention of the Providence, is plain and evident. But this is not at all to his purpose. But if by *the nature and intention of Providence*, the Dr. means, that what things come to pass in the world by Providence, it is our duty, and the intention of Providence, that we should comply actively with them, own them, and adhere to them. *This is manifestly false in a thousand instances*, and particularly in all Robberies, Usurpations, and Invasions of other mens Rights. The Question therefore is not, Whether we are to conform our selves to Providence, and to discharge duties according to the nature and intention of Providence; but whether it be the intention of Providence, that we are to espouse, and embrace, and pursue the interest of Usurpation, and all other Events that are manifestly unjust and unrighteous. The Question therefore still returns, What are the Duties and Obligations, that the Providence of God lays on us, and what are the Intentions of Providence? Does God when he permits wicked and unjust Usurpations, and other Villanies, require us to fall down and reverence, to joyn our selves to them, and to plead the Cause of Unrighteousness? This is to interpret Gods Providence in contradiction to his Laws: But what is all this to Providence being a Rule, which the Dr. said he would consider, how far it might be? He adds, *Thus the Providence of God, in some sense may be the Rule of our Practice, and may make that our duty which was not; and that cease to be our duty, which was so before. And thus it always is, when the Providence of God changes our Relations, or condition of life, as in the present case, when he removes one King, and sets up another; for he must transfer my Allegiance, when he changes my King*: that is to say, when a Woman is married, she is obliged to the duties of a Wife; when

when her Husband is dead, Providence hath set her free, and she owes her dead Husband no duty: So, when God removes a King, the duty of Subjects cease; and when they have another Lawful King, they owe him Allegiance. Very true. But the Question returns, When is a King remov'd? Is dispossession, making him no King, and discharging the Subjects Duty? or is possession, making the Usurper a King, and obliging the Subjects? or is that the intention of providence? The Providence of God, changes Relations; but dispossession and distance, is no change of Relation. A Woman is not free by every providential removal of her Husband from her, but by such a Providence only, as puts an end to his Life or Right: nor are Subjects free by every providential removal of their King, but by such a Providence only, as puts an end to his Right and Title: And on the contrary, if a man sets himself in the place of a Husband, the hand of Providence is not to be own'd, nor is he to be submitted to as a Husband of Divine Right: A providential Husband is no Husband, but an Adulterer; and a providential King is no King, but an Usurper.

And as to Providence being a Rule in any case, the Dr. hath urged these very things before, which I have already answer'd, and shall not need to repeat. Vind.p 44.

And here the Dr. falls a *Rallying* for almost two Pages together, *This unreasonable and impious Doctrine of Providence, is the fault of my Case of Allegiance: for some men cannot endure to hear, God makes Kings; for that argues, there is a God.* A fine way of calling his Adversaries *Atheists*. And so on he goes in the Rallying strain, *had he said any thing else, he might have escaped as well as his neighbours; but since he hath entitled God to the matter, this spoils all, and is an impious Doctrine: And if that be his fault, he is content to suffer obloquy and reproach, for maintaining such impious Doctrines.* Now if the Dr. can *rally* off the Absurdity and Impiety of his Doctrine about Providence, much good may it do him; I shall leave such arguments to take their chance. And I do not believe the Dr. has so mean an opinion of his Readers, as to expect any great wonders from them but such things, though they are not likely to convince, yet they may amuze, and serve for a *blind* to prevent the perceiving the force of the argument against him, and the weakness of his Answer; whether the Dr. had any such end, by this long Excursion, he knows best. But however it comes to pass, my answer to him is perfectly lost, and we have not here the least word of it, nor the least intimation, as if the Dr. knew of any such thing. And therefore I shall beg the Reader's Patience to lay it before him. It immediately follows in the *Postscript*. Vind.p. 62.

The Dr. had raised an Objection to his Hypothesis, 'Have not 'Pyrats and Robbers as good a Title to my Purse, as an Usurper to 'the Crown? Does not the Providence of God order and dispose 'of all these Events? To which he answers, 'the dispute is not about Humane and Legal 'Right in either case, but about Authority, now 'no man pretends, that Thieves and Pyrats 'have God's Authority. To this I answer'd, 'What is this to the purpose? I know Thieves 'and Robbers have not God's Authority, neither hath an Usurper: but have they not God's 'Providence, as well as an Usurper? And if 'Possession of *Authority* by Providence, gives 'a Right to it, Why does not the Possession 'of *my Purse* by the same Providence, give a 'Right to it? The Dr. puts it into the Objection, *Have not Robbers as* good *a Title to 'my Purse, as an Usurper, to the Crown?* 'And it is certain, they have as *good a Title*; for 'they have the very same I grant, *taking a Purse*, 'and *taking Authority*, are two things, and so 'are also *Usurpation* and *Right*: But the 'Question is about Providence, and that is the 'same; he that takes a *Purse*, takes it by Providence, as well as he that takes a *Throne*, and 'if Providence gives a Right, the one hath it, 'as well as the other. But the Scripture (saith the 'Dr.) expressly tells us, *that Kingdoms are 'dispos'd of by God, that all power is of God*; 'and does not the same Scripture tell us, *that 'the Earth is the Lords, and the fulness thereof*; 'that he disposes of it, as he pleases: that when 'Job was rob'd, he said, *the Lord hath taken 'away*. But if the Scripture had not said so, 'the Dr. says it; for he tells us, all Events are 'God's Act and Deed; and then it must follow, Postscript, p. 13. Case of Alleg. p. 34.

'low, that the poſſeſſion of my Purſe by a 'Thief, is as much God's Decree and Council, 'as the poſſeſſion of the Throne. The Doctor 'founds all this in *God's Creation*:

P. 15. '*God* (ſaith he) *is the natural 'Lord of the World, becauſe he made 'it, and no Creature hath any Right to govern 'the World, or any part of it, but as he 'receives Authority from God*: And is not 'this the ſame, in all other reſpects? Are not 'all mens Eſtates Gods, as well as Authority? 'And has any man a Right to his Eſtate, but 'what God gives him? And does it thence 'follow, that whatever any man can get by Pro-'vidence, tho it be never ſo much againſt 'the Laws and Common Right, it is his own, 'becauſe God is not ty'd to Humane Laws, and 'hath a Right to the World by Creation, 'and may give it whom he pleaſe? And I 'wonder, what reaſon there is, that 'tis a more 'certain ſign to us, that the poſſeſſion of power 'by providence, gives any more Right to it, 'than the poſſeſſion of Goods or an Eſtate gives 'a Right to them.

Of all this, the Dr. hath not thought fit to take any notice. He tells us indeed,

P. 58. before, *that he had already ſtated the matter about right and juſtice, and had ſhewn the difference between the right of private men to their Eſtates, and of Princes to their Thrones, between a Thiefs taking a Purſe, and an Uſurper a Crown, by the Providence of God*, &c. Now I confeſs, this he had ſaid upon another occaſion; and when the force of my argument lay another way; but he ought to have conſidered my anſwer here. For here it was that he himſelf rais'd the Objection, and anſwers it: and my anſwer directly affects him, and his whole Hypotheſis: or if he would not reply to it in its proper place, he ought at leaſt to have took notice of the force of it: he tells us, *he ſhew'd the difference between a Thiefs taking a Purſe, and an Uſurper a Throne*: but where hath he ſhew'd any difference with *reſpect to Providence*? Why, a Thief hath not *as good* a Title to my Purſe, as an Uſurper to the Throne, when he hath the very ſame: Where hath he ſhew'd any difference with reſpect to God's right by Creation? which is the foundation of his Hypotheſis, and which affects all private Eſtates, as well as Government and Authority. And where hath he ſhew'd any difference in the Evidence, that a Providential Poſſeſſion of Power, is a more *certain ſign* to us of God's Gift, and a Divine Right, than the ſame Providential Poſſeſſion of Goods or an Eſtate? This is the force of my Anſwer, which he hath taken no manner of notice of, and which would have been evident, had he anſwer'd this in its proper place. But if he had not been pleas'd to anſwer it, he might have beſtow'd ſome of his complements upon it, and have call'd it a *Jeſt*, or a *Banter*, or ſomething, as he does other arguments he cannot tell what to do with.

He proceeds to conſider another of my Arguments againſt the interpretation he gives of the ſenſe of the Convocation, *That it is inconſiſtent with their main and fundamental Doctrines, viz. Paſſive Obedience, and Non-Reſiſtance*. He replys, *But if the Convocation taught both* (as certainly they did) *it is a ſign that whatever our Author thinks, or whatever he can prove the Convocation did not apprehend any inconſiſtency between them*. Now methinks, the Dr. might a little have conſider'd my argument, and not have given ſuch a ſhort anſwer; eſpecially when he complains ſo much of concealing what he ſays. The ſum of all was, that 'that interpretation of 'a *thorough Settlement*, which 'beſt agrees with *Paſſive Obe-'dience*, we are in juſtice bound 'to believe, that it is the ſenſe of 'the Convocation, as beſt agreeing with their 'fundamental Doctrines and the main deſign of 'the *Convocation*. And to ſay that a Govern-'ment is *thoroughly ſettled*, when it hath ac-'quir'd a Right by Preſcription, or the extinction and ſubmiſſion of the Right Heir, does 'not in the leaſt interfere with the Doctrine of 'Paſſive Obedience; but when a Perſon hath 'got full poſſeſſion of power, and the lawful 'King is alive, and is ſo far from ſubmitting, 'that he actually conteſts his Right, and de-'mands the Allegiance of his Subjects in order 'to it; to ſay that they muſt quit their Lawful 'King, become Subjects to the poſſeſſor, tranſ-'fer all their Allegiance and Duty to him, do 'all they can to eſtabliſh him in the Poſſeſſion, and

Anſwer to the Pamphl. p. 21.

'and as much to keep the other out, become 'irreconcilable and mortal enemies to him, and 'if need be to fight againſt him, and kill him; '(for all theſe neceſſarily follow from that no-'tion) This is ſuch a notion of *Paſſive Obe-'dience* as never was heard on. And what now is the Drs. ſhort Anſwer to all this, why it is *certain* the Convocation thought this was not inconſiſtent with Paſſive Obedience, that is, they *thought* and *taught*, that men for the intereſt of an Uſurper, might fight againſt and kill the Rightful King to whom they had ſworn Allegiance; and at the ſame time when they acknowledge the Legal Right to be in him; which if any man that reads the Convocation can believe, he may believe any thing in the World, and one would have thought the Dr. ſhould have ſhewed us how this was reconcilable with *Paſſive Obedience*, before he had ſo dogmitically aſſerted, that the Convocation taught it. And this is abſolutely neceſſary to juſtifie his interpretation, for the main deſign of the Convocation was to aſſert the Doctrine of Paſſive Obedience, and that is plain and evident, and if the notion of a *thorough Settlement* was not ſo evident, their notion of Paſſive Obedience is to regulate and direct to their ſenſe of a thorough Settlement, and not the notion of a thorough Settlement to direct to their ſenſe of Paſſive Obedience: And therefore if the Drs. notion of a thorough Settlement be not reconcilable with Paſſive Obedience, it cannot be their ſenſe; except we can alſo believe that they contradict the main Deſign, and the Fundamental Principles of their whole Book. But the Dr. tells us, *I obſerv'd in the Caſe, that the Doctrine of Obedience and Allegiance to the Preſent Powers is founded on the ſame Principles, with the Doctrine of Non-Reſiſtance and Paſſive Obedience, viz. that God makes Kings and inveſts them with his Authority, which equally proves, that all Kings who have received a Sovereign Authority from God, muſt be obeyed, and muſt not be reſiſted*; Right, he does obſerve this, but then he hath left out in his repeating it, that upon which the whole controverſie turns, and yet at the ſame time complains of *concealing*, and that is, *and are in the actual adminiſtration of it (which is the only evidence we have, that they have received it from God.* For what tho Paſſive Obedience be due to God's Authority; is it therefore due to Uſurpation and actual Adminiſtration which is not God's Authority? and (to uſe ſome of the Drs. expreſſions) *He may harangue upon this Argument, as long as he pleaſes*; unleſs he can prove, that God inveſts every Uſurper with his Authority, while the Rightful King is living and claiming. And that he does not do ſo, is manifeſt from this very Doctrine *of Paſſive Obedience: For the Doctrine of Non-Reſiſtance and Paſſive Obedience is founded on an irreſiſtable Authority; conſider then what are the Rights of an irreſiſtable Authority, and what the duties of Paſſive Obedience.* 1. *The Rights of Sovereign and irreſiſtable Authority are, that he cannot forfeit his Crown, that he cannot be judged nor depoſed by his Subjects; And therefore when once King, he is always ſo 'till death or a voluntary and legal Reſignation.* 2. *Non-Reſiſtance does not merely ſignifie not to fight againſt the King, but* 1. *That upon no pretence we muſt renounce his Right, and* 2. *Muſt never ſet his Crown upon anothers head* 3. *Muſt not transfer our Allegiance to another.* Now the Dr. will not except againſt this Doctrine for the ſake of its Author, and he may pleaſe to obſerve, that we are not ſo apt to *invent* as he is to *forge*, and he may trie if he can ſolve the matter by his diſtinction between *Zeal* and *Faction*. But if this be the caſe, then theſe things neceſſarily follow. 1. That *Transferring of Paſſive Obedience* from the Rightful King to the Uſurper, is a Propoſition inconſiſtent with it ſelf, and made up of contradictions, *Paſſive Obedience* ſignifies one thing, and *transferring* it the clean contrary. And to talk of *transferring Paſſive Obedience* is juſt as if we ſhould ſay *fighting Non-Reſiſtance*, or *Rebellious Allegiance*. 2. The Argument from the Doctrine of Paſſive Obedience equally affects his interpretation of *Scripture*, as his interpretation of the *Convocation*, for Paſſive Obedience, is as evidently and plainly enjoyned by the Scriptures, as by the Convocation; and for the proof of this, I refer my ſelf to Dr. *Sherlocks Caſe of Reſiſtance*. And if his interpretation of Scripture be irreconcilable with the Doctrine of Paſſive Obedience, then it

Caſe of Alleg. p. 36.

P. 64.

is

is not reconcilable with Scripture, and then it is not true, and if to fight againſt and kill a King, to whom we have ſworn Allegiance and whom we ſtill acknowledge to have a Legal Right and Title, be not Paſſive Obedience, then the Drs. expounding the 13th to the *Romans* of *Uſurped Powers*, in oppoſition to a *Rightful King* is not the ſenſe of Scripture, but his own private ſenſe; it is not ſufficient here to ſay *it is certain they teach both*; and therefore they are not inconſiſtent, for that is proving things the wrong way, for *it is certain* they do not teach both if they are inconſiſtent. And therefore if the Dr. would regularly prove, that they do teach both, he ought to have made it appear by ſhewing they are not inconſiſtent, and not come off with a ſhort reply, *it is certain* they do ſo.

My next Argument is, *That this interpretation reproaches the Virtue and Loyalty of thoſe admirable men, who ſuffered between the years* 42 *and* 60. The Dr. replies, *and therefore it cannot be the ſenſe of the Convocation, for no doubt the Convocation in* 603. *had great regard to the Loyalty of thoſe who ſuffered between* 42. *and* 60. *by a ſpirit of Prophecy I ſuppoſe.* A very wiſe obſervation! And why might not the Convocation in 603. have regard to the Loyalty of the members of the Church of *England* in 42. or 60. or 90 either? if they deſign'd their Book as a direction for practice, it muſt regard future time, as well 42. as 603. and as well 90 as 42. But the Dr. knows well enough the Queſtion is concerning a Principle of the Church of *England*; and here we have a body of men, undoubted Sons of the Church of *England*, and as great and eminent for piety and virtue as that Church ever bred; and moſt of them living at the time of this Convocation, and ſome of them probably members of it: And here was a Caſe, where their ſenſe of this Principle was tried to the bottom; and beſides their plain Doctrines, their ſufferings were a convincing Teſtimony, that they did not believe, that the Drs. notion of a thorough Settlement was any Principle of the Church of *England*. And conſidering all circumſtances, this brings the diſpute almoſt down to our very ſenſes. As I ſaid, 'it would 'have been thought madneſs 'for a Church of *England* man to have 'doubted, who (in the late times) acted moſt 'agreeably to the Principles of that Church 'in the point of Alleg. and Government, Arch-'biſhop *Juxton*, Biſhop *Cozens*, Biſhop *Gun-'ning*, &c. or *Hugh Peters*, Dr. *Owen*, or 'John Goodwin*, or whether the *Regicides* 'were Church of *England* men too, in the 'ſame points, &c. So that with the Drs. leave this Argument does not lye ſo far off, as to need any *Prophecy* to make it good, but is plain, eaſie, and natural; and ſeeing we are about the interpretation of a Church of *England* Principle, from whom are we moſt likely to learn it, from the Doctrines and Practices of thoſe excellent men, and who gave ſuch illuſtrious evidences of their own ſenſe of it, or from *Peters*, *Bradſhaw*, *Marſhall* or *Milton*? and I ſhall crave leave to believe (except the Dr. can give me ſome better Reaſons) that the *Virtue and Loyalty of thoſe admirable men*, are better interpreters of the Church of *England* Principles, then the *villany and wickedneſs* of thoſe Advocates for Uſurpation. But theſe, it ſeems, are *hard and ſpightful words*, which the Dr. tells me, I *give to my Adverſaries*: That indeed is very eaſily ſaid, but it had been much fairer to have given a plain and rational anſwer to them.

Anſwers to the Pamphlet, p. 22.

Concerning this the Dr. ſaid, *it is a great prejudice but no Argument, nor can be formed into an Argument*: I anſwered, *I thought an Argument from example had been an Argument, tho not always a very good one.* He replies *Right!* what and cannot be formed into an Argument? That is a little ſtrange, but the Dr. to avoid that repeats another ſentence, not that which I anſwered, I ſuppoſe by virtue of *keeping his own Order and Method*; and I would fain know how that is an Argument, which cannot be form'd into an Argument. This agrees like the reſt of his Principles. Well! He tells us, *Example is only a prejudice not an Argument againſt plain reaſons which cannot otherwiſe be anſwered: Let Reaſons be firſt anſwered, and then when there is no Reaſon againſt a thing, the example of great and wiſe men without any other reaſon, carry ſome Authority with them; eſpecially when*

Poſtſcript. p. 14.

Vindic. p. 64.

when we have other good reasons for doing any thing, example gives some more strength. And thus the example of Jaddus *may be an argument, when other examples are none.* The meaning is, that an example against the Drs. *Reasons* is a Prejudice and no Argument, and an example the Dr. mentions against other mens Reasons, is an Argument and no Prejudice; for I had urged against him his producing the example of *Jaddus*, which was but a single and a suspicious example. But that it seems must be an *Argument*, because it is for the Drs. turn, but the examples of so many excellent men are but *Prejudices*, because they make against him. But by the Drs. favour the examples of these great and good men, is an *Argument* and a very strong one to prove the sense of the Church of *England*, in the point of Submission to *Usurped Powers*, and such a one as confutes all the Drs. little Reasons to the contrary: He urges some Arguments to prove the Church of *England* on his side; and to these we oppose the evident and undoubted practice of that Church, in such remarkable and discriminating instances, as plainly distinguished between those that were true Sons of that Church, and those that were not so; and to talk of Reasons against plain matter of fact, is disputing against common sense, and such reasons are like the Arguments against motion, which are best confuted by walking up and down. But says he, *tho he knows the example of* Jaddus *was alledged by me, only to prove the sense of the Convocation*; and the Dr. knows these great examples were alledged by me for the same Reason. He adds, *and how* Jaddus *himself understood his Oath of Allegiance to* Darius, *which saith he, is a very different case from what he urges*; yes by all means! The examples of those great men did not prove how they *understood the Oath of Allegiance*; nor what they thought of submission to Usurped Powers in Possession against a Legal King out of Possession, nor what was the sense of the Church of *England* in those Cases: I suppose, because some of them lost their lives, and all their livelyhoods and Estates against their own sense and judgment, and against the sense and direction of that Church of which they professed themselves, and were in truth the most eminent and faithful Members.

"*But*, says he, *to let pass his transport of zeal, and to forgive the* froth *and* folly *of it.* (These I suppose the Dr. designs for *Civil* and *obliging* expressions, for he had but just before complain'd of my *hard* and *spighteful* words) *when he urges the examples of these great men there are many things he ought to have considered.*

1. *He should have considered whom he reproached, as well as whom he commended.* Right! and I did so, but he tells us, *he reproaches all those who in those times of Confusion submitted to the Usurped Powers, and lived quietly and peaceably under them.* But who told him so? there is no such thing in my *Answer* or *Postscript*, is there no difference between living *peaceably and quietly*, and becoming Parties to the Usurpation, siding with it against the Legal King, pleading the Cause of it, and *swearing to be true and faithful to it*? These last indeed are *reproached* by the Virtue and Loyalty of those excellent men, and who can help that? Virtue and Truth is always a *Reproach* to Vice and Error. But perhaps the Dr would have had me justified the exclusion of *Charles* the *Second*, and the adherence to the Usurpers against him. And this indeed would not have *reproached them*. But it would have *reproached* much honester and better men than they; it would have *reproached* all those Gallant and Loyal Sufferers for their King and the Laws. But no matter for them, they are not for the Drs purpose now; but he is grown on a sudden so very tender of the Usurpers Party, that they must suffer no reproach, and rather than that, the best men of our Church must not be commended for fear it should reflect on them. But saith the Dr. *The King found a great many true Friends and Loyal Persons at his return among those men.* I suppose by virtue of their taking the *Engagement*, and writing Books to keep him out, and using all their endeavours and interests for that purpose. Well, but suppose *some of them* were *true friends* to the King; why then they are not to be *reproached*, not for their being Parties to the Usurpation against him, but because they were his *true friends*. i. e. because they deserted the *Usurpers*; for they could not be true Friends and Loyal to both. And if I have said any thing to reproach them for being the Kings friends,

and abandoning his Enemies, I am content to ſuffer reproach my ſelf. But as the Dr. hath worded this, it is not eaſie to underſtand what he means: He ſays they were *true Friends* and *Loyal Perſons* upon his return. Does he mean that were *then* ſo only, but before his return and in the time of Uſurpation were virulent and mortal Enemies to him, but ſo ſoon as he return'd they became *Friends* and *Loyal*. Methinks this is no extraordinary character: They were his friends, when he could advance them, but in his extremity and when he had need of them they were his enemies; i. e. they were true friends to themſelves and not to him, and ſuch a kind of friendſhip, if it muſt not be reproached, does not ſure deſerve commendation. The Dr. further tells me, I *reproach all thoſe Loyal Perſons, who ſuffered under thoſe Uſurpations and comply now*: And alſo, *all thoſe who have now ſworn Allegiance*. But how can the Dr. tell that? I meddle with no bodies Principles but his, and the Dr. in the next paragraph tells me, *I ought not only to conſider what was done, but upon what Principles they did it*; and I have conſidered his Principles, and have ſhewn, that they reproach the beſt Men of our Church; but that it ſeems will not do, and I muſt conſider *what was done* alſo, and *reproach* all them that did it, tho they act upon other Principles, and tho I conſider no bodies Principles but the Drs.

2. The next Advice is, *If our Author will argue from Examples, he ought not only to conſider what was done, but upon what Principles they did it, whether they were all of our Authors mind, that it is abſolutely unlawful in any caſe whatſoever to ſubmit to a Prince, who is poſſeſſed of the Throne, while the Legal King, or his true Heir is living, tho diſpoſſeſſed.* Now I think there is all the evidence in the World that they were of this mind: This was the very caſe, there was a Perſon (the Dr. may call him *Prince* if he pleaſes and agreeable enough to his Principles) *poſſeſſed* of the Throne, and the Legal King and Heir *diſpoſſeſſed*. And it is plain in fact they refuſed to ſubmit to the Uſurper in the Throne, and adhered to the Legal King out of the Throne. And if the Dr. can find any other reaſon or aſſertion of theirs for this practice, beſides the *abſolute unlawfulneſs* of owning the Uſurper, he would do well to produce it. He ſays, *it is probable ſome few might be of his mind.* But why does not he name one ſingle man of them that was not of this mind? that he can never do, nor does he in the leaſt undertake it. But boldly affirms, *that it can never be proved, and it is very improbable, for it was neither the Doctrine of the Church, nor the Law of the Land.* But that is the matter in diſpute, and by what Rules of *Logick* is the grand matter in controverſie brought for a proof? The Queſtion is whether it be the Doctrine of the Church, or Law of the Land; and the practice of thoſe great men is urged againſt the Drs. interpretation, and is a proof againſt him; and how comes the thing to be proved, to be brought in proof againſt that which proves it againſt him? But this is uſual with him. But ſays he, *that it was their general ſenſe* (*that it* was abſolutely unlawful to ſubmit to the Uſurper, while the Legal King is living tho out of Poſſeſſion) *can never be proved.* No? that is very ſtrange, the Aſſertion is plain enough in Biſhop *Sanderſon*, Dr. *Hammond*, and all them that wrot upon the point; and one would have thought the practice of all the reſt was a very good proof of their Sentiments in this matter; can any man believe, that men would loſe their lives and eſtates, and expoſe themſelves to the greateſt difficulties and extremities for not doing what they thought they lawfully might do? And in ſuch a caſe to call for proofs is to abuſe mens patience, and in the Drs. language *argues great perverſeneſs of mind.*

But after all the whole advice in this Paragraph is nothing to the purpoſe, I brought the examples of theſe great men, againſt the Drs. Principles and Interpretations; and he adviſes me to conſider, whether they acted upon my Principles; and what is that to the purpoſe? if the Dr. can prove they did not act upon my Principles, or that they acted upon Principles that are contrary to them, I am contented to own that their examples is an argument againſt my Principles, as they are now againſt his Principles. But this he will not meddle with, and inſtead of that, he is for adviſing me (I thank him) to prove it my ſelf.

3. Another thing I ought to have conſider'd, he ſays is, *when he reſolved to argue from example, he ſhould have carefully conſidered, whether*

whether there are not more and greater examples on the other ſide, whether ſuppoſing the Caſe to be as he repreſents it, there be any thing like it in all ſtory either ſacred or profane, whether both Jews *and* Chriſtians *did not always ſubmit to the Preſent Powers, when the Government was ſetled by what wicked means ſoever it began.* Now the Caſe which the Dr. repreſents, and which I diſpute againſt, is the lawfulneſs of ſubmitting to, and joyning with Uſurped Powers in oppoſition to the Legal King, when out of Poſſeſſion and claiming and inſiſting upon his Right: And I had over and over provoked him, to give any approved inſtances of any men that own'd his *Hypotheſis*. And when he cannot be prevailed upon to produce one ſingle inſtance and example: To tell me, *I ought to conſider whether there are not more and greater examples on the other ſide* is extraordinary: If there be more and greater examples, why does not he ſhew them, and clear his Hypotheſis from the charge of Singularity and Parodox? But when he does not name one, nor ſo much as offer at it, when he immediatly tells me, *he ſhall not enter upon this Argument*, but turns me over to ſome body elſe that will do wonders in this point no man knows when; to talk of *more and greater examples*, and the practice of *Jews* and *Chriſtians*, which his Reader muſt find out as well as he can, and to confront the moſt plain and viſible examples with imaginary ones, and practices in the Clouds; And after all the urging and provocation to name not one, and yet ſtill to inſiſt upon it, and cry there are *more* and *greater*. This is ſuch a way of *vindicating* as is as new as his *Hypotheſis*, and very well agrees with it, and if this be diſputing we ſhall never have done.

Now the Dr. comes to conſider what I had ſaid further upon this head, I ſaid, 'the Dr. 'owns that this is a Prejudice, 'and ſo it is, and a very conſi- 'derable one; and I wonder 'what he hath ſaid to remove it, not one word 'to the purpoſe; he tells indeed of ſome diffe- 'rences, but not one that is any difference as to 'the matter before us, of *Submiſſion to Uſurped Powers*, and he replies, *let us then try that*. And in order to that he begins.

Poſtſ. p. 14.

But to ſtate the matter ſo plain, that our Author himſelf had he never ſo much mind to it, ſhall not be able to miſtake or miſrepreſent it. And have I miſtaken or miſrepreſented it? That the Dr. would inſinuate, but then he ſhould have told me where and in what inſtances; that it ſeems is another Queſtion; however the Dr. is reſolved to have it ſo, or would perſwade a credulous Reader to believe it, tho he hath not named one particular wherein I have miſtaken or miſrepreſented him; and this will appear more fully upon examining what he ſays in reply; he tells us, *he muſt firſt premiſe that they are two different Queſtions, when it is lawful to ſubmit to Uſurping Powers, and when 'tis a duty: 'tis lawful when we are under force as can compel us; 'tis a duty when the Government is throughly ſetled.* Very well! This is the Drs. *State of the matter* now, but where hath he ſtated it ſo before? there is not a word of it, nor any ſuch diſtinction in his *Caſe of Allegiance*; and how then ſhould I know it? I ſuppoſe by Inſpiration? and it is a pretty way of miſtaking and miſrepreſenting him, becauſe in anſwering his *Caſe of Allegiance*, I did not divine what he would ſay in his *Vindication*; But the truth is the Dr. *miſtook*, he found the former *ſtate of the matter* would not do, and if he had kept cloſe to that he could not have anſwered what had been objected to him, and therefore hath given a new ſtate of the Queſtion. And he might have ſaid ſo, and not by an inſinuating preface, have laid his own *miſtakes* at other mens doors. Let him ſhew me if he can, that he hath in this manner ſtated the Caſe in his former Book; if not, why does he talk of *miſtaking* and *miſrepreſenting it*? Well! let us take his new State, and ſee what he can make of it. He tells us, *while we are in this ſtate* (under force) *we may either ſubmit or not ſubmit without ſin, and then that which muſt turn the ſcale, are arguments from intereſt*; and here is the ground of this new State, he had ſaid before, and it was objected to him, *That the Friends of Monarchy were bound in* Intereſt *to reſtore the King.* And he did not know how to get off from it without inventing this new diſtinction,

Vindic. p. 66.

Caſe of Alleg. p. 48. Poſtſ. p. 15.

ſtinction, which yet will not ſerve his turn; for having applied what he ſaid before to thoſe times of Uſurpation he adds; *This is ſo far from leſſening and reproaching their Loyalty, that it is greatly for the commendation of it, that when they were not bound in conſcience to ſubmit to thoſe Uſurpations, tho by ſubmiſſion our Author intimates, they might have made better terms for themſelves, yet they rather choſe to venture their lives and fortunes to reſtore the King, which is not, as our Author inſinuates* to prefer their intereſt to their Conſciences *in ſerving the King; but where Conſcience was not concerned to the contrary, to venture their* intereſt, *ther lives and fortunes to reſtore the King:* Now here is a very pleaſant ſtate of the Caſe.

For 1. The Dr. tells us, in ſuch a ſtate *intereſt is to turn the ſcale*; and yet in the cloſe of his reply, he ſays, it was *to venture their intereſts, lives and fortunes to reſtore the King*; this looks very like a contradiction, for what does he mean by *venturing their intereſts*, but *venturing* the loſs of them. And thoſe who might have preſerved their *intereſts* by ſubmiſſion to the Uſurpations; and which according to the Dr. it was lawful for them to do, choſe rather to *venture their lives and fortunes to reſtore the King*; i. e. in ſhort, they choſe rather to hazard their lives and intereſts, than to preſerve them. And if *intereſt muſt turn the ſcale*, it is plain enough, that whatever Conſcience did, intereſt lay on the ſide of Uſurpation. And when ſo many of the Nobility, Gentry and Clergy, were utterly undone for their obſtinate Loyalty, in ſuch a Caſe to talk of mens being Loyal for *intereſt* is to contradict common ſenſe.

2. The Dr gives an admirable account of the Grounds and Reaſons, why the Royal Party did not ſubmit to thoſe Uſurpations, and that is not Conſcience but Intereſt; not but that they *thought* it lawful for them to ſubmit, but they refuſed it upon other accounts, even when they *thought* they lawfully might. But where had the Dr. this fine account? Is there the leaſt intimation of it in any hiſtory of thoſe times? in any Pamphlet or diſcourſe concerning it? or did ever any man beſides the Dr. ſay it? there were ſome indeed, that thought or pretended to think they were miſtaken, and they might *lawfully* own thoſe Uſurpations, and the Drs. argument from providence was urged for that purpoſe: But I think the Dr. is the firſt that ever affirm'd that they themſelves thought ſo. Their general arguments were drawn from the Duty of Allegiance, the obligation of their Oaths, and the Laws of the Land, which plainly import they thought Conſcience was concerned, and that it was unlawful to own thoſe Uſurpations This therefore is nothing but fancy and imagination, and the Dr. ſays it without any ground in the World. He may make reaſons for himſelf, and coin new diſtinctions to juſtifie them, but what warrant has he to make reaſons for other men? It is no wonder he makes thus bold with the Convocation, who can faſten ſuch a ſenſe on the practices of thoſe *loyal ſufferers*, not only without any manner of foundation, but contrary to their expreſs declarations: if we muſt be making *new Hypotheſes*, and framing *new Schemes* of Government to juſtifie our ſelves, let us prove them as well as we can; but for ſhame let us never intitle other men to them, who plainly acted by different Principles, and have as plainly declared their ſenſe to the contrary; if the Dr. thinks this imputation ſevere, let him acquit himſelf from it, by ſhewing if he can, but ſome *few* among thoſe many Loyal Sufferers, who thought *Conſcience* was not concern'd in the Caſe, and that they thought it lawful to ſubmit, and become Subjects to thoſe Uſurpations, in oppoſition to their Legal King.

And this is yet more extravagant, if we reflect on the diſmal circumſtances of thoſe times, and to how many difficulties and fatal miſeries, that Revolution expoſed the Loyal Party, a great part of which might have been prevented in particular men, if they would but have comply'd, and joyn'd themſelves to the Uſurpers. In ſuch a Caſe to Queſtion, whether they were acted by Principles of Conſcience, or to ſay that they thought Conſcience was not concern'd either way, is to ſcorn and abuſe their ſufferings, and makes them ſelf murderers, and deſtroyers, and lays all their deſolation and ruin at their own doors; for what can ſuch men anſwer to God, themſelves, or their families, who ſuffer themſelves to be undone and periſh, when they might lawfully have prevented it. And this is that admirable Character the Dr. (to ſave

ſave his own Hypotheſis) hath found out for theſe noble and conſcientious Sufferers: He was charg'd with *reproaching their Vertue and Loyalty*; and to get himſelf off that, he hath reproach'd them as much on the other hand.

3. The Dr. diſtinguiſhes between *when it is lawful, and when it is a duty to ſubmit*, and applies this diſtinction to thoſe Uſurpations, thereby intimating, that it was *lawful*, tho not a *duty*, for the Loyal Party to ſubmit to them. The conſequence is, they had no obligation in conſcience to King *Charles* the *ſecond*; for if it was *lawful* for them to ſubmit and become Parties to the Uſurpation, it was likewiſe lawful for them to diſcharge themſelves of King *Charles*, for they could not be the Subjects of both, and then they were not bound in conſcience to him; they might reſpect him for their own ends, and endeavour to reſtore him *to better their condition* (as the Dr. ſays) and for the ſake of their *intereſt*; but Duty they owed him none at all, they ow'd him juſt as much as they ow'd *Cromwell*, and no more. He was charged with reproaching their *Vertue and Loyalty*, and he hath now fairly compromiſs'd the matter, and made them have no *Loyalty* at all. For I pray what kind of Loyalty is that which is no duty? They might love and reſpect the King, or rather themſelves; but to be *loyal* to him they could not, for that ariſes from Duty and Obligation, and 'tis mere name and complement when there is none. And thus that renowned Loyalty which the world had in ſo much veneration, is ſunk into juſt nothing. Between the Royaliſts and the other Party the ſcales were even in point of Conſcience, advantage might turn the ſcales, and the whole is reſolv'd into ſelfiſhneſs and private intereſt. And what a hideous account is this of that glorious ſcene of Invincible Fidelity, Fortitude and good Conſcience? It is much for the honor of an Hypotheſis that it cannot be *vindicated* but at the expence of the glory and reputation due to the beſt Men and the beſt Practices: And which is yet more extraordinary, the Doctor would make us believe, *that this is ſo far from leſſening and reproaching their Loyalty, that it is greatly for the commendation of it*; yes ſure it is greatly for the *commendation* of a mans Loyalty, that he loves himſelf, and can *better his condition* by it. This may ſuit well enough with ſome mens *Loyalty*; but the *Loyalty* between 42 and 60 was quite of another make, and hitherto the World hath thought that the *commendation* of it conſiſted in ſuffering for their Fidelity, in parting with their Intereſts rather than their Loyalty, in ſubmitting to the hardeſt Circumſtances rather than violating their natural and ſworn Allegiance.

The Dr. adds now, *that they were not bound in conſcience to ſubmit to theſe Uſurpers.* (The Queſtion is whether the Doctor's Principles and Arguments do not equally conclude for their Submiſſion to thoſe *uſurped Powers?*) and this he ſays *he proved, becauſe their Government was never ſetled*, i. e. according to his notion of a *Settlement*. And that is again according to one branch of it, a national conſent in Parliament or by the Peoples Repreſentatives.

And here the Dr. takes a great deal of pains to prove that the *Rump* and *Cromwell* had no ſuch national conſent, and therefore their Government was not throughly ſetled. To which I anſwer, Vindic. p. 40, 41.

1. That all the Doctor's Arguments equally conclude for Submiſſion to thoſe Uſurpations as to any other.

2. That they might be ſetled according to the Doctor's notion of a Settlement, notwithſtanding what he hath oppos'd to the contrary.

1. That all his Arguments equally conclude for Submiſſion to thoſe as to any other Uſurpations, though they had not the formal conſent of the People. I ſhall mention two, His Arguments to prove his notion of a *Thorough Settlement*, and His Arguments to prove the neceſſity of ſubmitting to Uſurped Powers.

1. His Argument to prove his Notion of a Settlement. His Anſwerer had objected againſt it, *That Settlement was a term in Law and imply'd Right*, which he admits in ſettlements according to Law, but in Settlement of Powers againſt Law, it muſt be underſtood of the *Settlement of Poſſeſſion*, and the obvious expoſition of Settlement in *ſuch caſes is a Settlement of Poſſeſſion*. Very well! This Settlement (ſuch as it is) the *Rumpers* and *Cromwell* had, for they were poſſeſs'd of the Government, and adminiſtred the Power, and made Laws, and govern'd the People. And we may take the Vindic. p. 5, 6.

Doctor's

Doctor's remark along with us to confirm the point, *It argues great perverseness of mind to retell that sense of the word which is proper to the Subject to which it is apply'd.* That is, it is very perverse to say, that the Settlements of Usurpation are any other than the Settlements of Possession. And then I doubt it must likewise be *perverse* to say that the *Rumpers* and *Cromwell* were not *setled* Governments. To the same purpose the Dr. says afterwards,

P. 78. *That all the Convocation says relates to visible and actual alterations of Government. Now* (says he) *this is matter of fact, not of Right: and therefore the settlement of such Alterations is an* actual *not a legal Settlement of them. And actual and visible Settlement is all that is requir'd to an actual and visible translation of Kingdoms.* Is that *all* that is requir'd? Then they had *all* that is requir'd; for their Governments were as *actual* and *visible* as any other: *Cromwell* for some years possess'd the Government, and dy'd in the possession of it, and left the possession to his son: and therefore as far as *actual* and *visible* will go, it is as good a Plea for those Usurpations as for any other. This is what the Doctor offers in proof to justifie his Notion of a *Settlement*, and which in all respects *fits Cromwell just as if it had been made for him.* And if they are Arguments sufficient to prove a Settlement, then they likewise prove that *Cromwell*'s Government was such a Settlement.

2. All the Doctor's Arguments for Submission to *usurped Powers* equally conclude for Submission whether there be such a consent of the People or no; as his Doctrine and account of Providence, *Then God sets up Kings, when by his Providence he advances him to the Throne, and puts sovertign Authority into his hands. He is King who is setled in the Throne in the actual administration of sovereign Power. That the actual administration of Authority is the only evidence we have that they have received it from God.* His Argument from Relatives or Relations or what he will please to call it, that Government and Alleg. are such Relatives or Relations as do *mutuo se ponere & tollere. That actual Dominion and sovertign Power is the Relation that makes a King.*

Case of Alleg. p. 12. 14. 36.

Vindic. p. 37, 38. That *God invests a Prince with his Authority by placing him on the Throne, and he has the actual Authority who actually administers the Government, and it is actual Authority which is Gods Authority.* p. 36. Now all these, if they have any force at all, equally conclude for Submission to all Usurpers, whether they have or have not the consent of the People, and that makes no manner of alteration in the Argument; for a *providential* advance to the Throne, and the *Possession*, and *actual administration* of Power, and the *evidence* of it, and *actual Authority*, these are all the same whether the People consent or not. And if the *Rump* and *Cromwel* had not a national consent, yet they were providentially advanced to the Throne, and actually administred the Government; and therefore according to his Arguments they must have God's Authority, and therefore ought to have been obey'd. And the same is to be said of his Arguments from Scripture, of *Gods removing and setting up Kings*, which according to him means no more than removing *from*, and putting *into* the actual administration of sovereign Power, and he tells us from S. *Austin*, that *Reges* are a *Regendo*, and peremptorily asserts, *it is certain he who has the exercise of the Regal Power and Authority is King, whether we call him so, or no.* Let them be call'd *Rump* or *Protector* or by any other name or names. And so likewise for his Interpretation of the 13 to the *Romans*, the general Expression *all Powers, The Scriptures giving no direction, but to submit, and pay all the Obedience of Subjects to the* Present *Powers, and the making no distinction between rightful Kings and Usurpers, between Kings whom we must, and Kings whom we must not obey*, &c. Now all this reasoning extends to all Usurpers without any manner of limitation from the consent of the People, for all those Usurpers (the *Rump* and *Crom.*) were the *Present* Powers, and therefore (according to him) within the intention of that Precept, whether the Nation consented or no; and the Scripture hath made no distinction between Usurpers who have, and Usurpers who have not the Peoples consent. And (as he says) *Why should we think the Apostle here intends a distinction unknown in Scripture.* The

Vindic. p. 50.

Vindic. p. 57.

Case of All. p. 18.

Case of All. p. 20.

Do-

Doctor to prove his Expoſition argues thus; *When the Apoſtle ſays* All power is of God, *there is no reaſon to confine this to all legal Powers, unleſs it were evidently the Doctrine of Scripture that uſurped Powers are not of God, which is ſo far from being true, that the contrary is evident.* And this is a reaſon directly againſt all that he ſays here, *When the Apoſtle ſays* All Power is of God, *there is no reaſon to confine this to all Powers* conſented to by the People, *unleſs it were evidently the Doctrine of the Scripture, that Powers without the conſent of the people are not of God, which is ſo far from being true, that the contrary is evident.* And the conſequence is, That this Precept is to be interpreted of all Uſurpers, or of none, and the Dr. muſt interpret it of the *Rump* and *Cromwel*, or diſcharge his Argument as inſufficient. And let the Dr. at his leiſure ſhew me where in Scripture *All Power* and the *Preſent Powers* and the obedience to them is limited to a national Conſent, or where there is ſuch a diſtinction that the *higher Powers* by the conſent of the People ought to be obey'd, and the higher Powers without their conſent may not; if he will not undertake it, all his Argument from a national conſent ſignifies nothing, if he will he muſt renounce with a witneſs. But the truth is, This buſineſs of the *Peoples Conſent* ſeems to me to be put in for no other end, but to ſtop the mouth of an Objection, which the Dr. foreſaw would open wide upon him, but does not at all concern his *Hypotheſis* which ſtands or falls without any manner of relation to it. For how come the People to have any ſhare in God's Providence in ſetting up Kings? or what have they to do with Gods Authority? or how comes it to paſs that their conſent makes it a duty to obey God's Authority, and their diſſent makes it no duty? Thoſe men indeed that ſay that all Power is originally in the People, and that they may reſume it, and diſpoſe it as they pleaſe, for them to ſay that the conſent of a People ſettles a Government or makes it, is agreeable enough to their Principles, and the People derive to the perſons governing the Authority that is originally in themſelves. But for them that maintain it as a Principle that all ſovereign Authority is of God, to talk of the Peoples conſent as neceſſary to make Obedicace a duty to that Authority, is a contradiction; and it is a fine Doctrine to ſay that the Authority is deriv'd from God, but the Obedience to it is deriv'd from the Peoples own conſent. And this it ſeems was the caſe here; for the Dr. tells us with reſpect to thoſe Uſurpations, that it was *lawful* to ſubmit to them, tho they were not bound in conſcience to do it. Now if it was lawful for them to ſubmit and become Subjects to thoſe Uſurpations, then they had God's Authority; for it is not *lawful* to become Subjects to perſons who have not God's Authority, if they were not bound in Conſcience, then their obedience to God's Authority depended purely upon their own conſent: And that is, God by his Providence gives the Uſurpers Authority, and the People by their Conſent make it a duty to obey it. And ſo the matter is divided; the Authority of Government is from God, and the duty of the People from themſelves. If the Dr. hath a mind to deliver his preſent Argument from theſe conſequences, let him give ſome other account of the Peoples conſent, and I am afraid it muſt come to one of theſe two, either that Uſurpers have not God's Authority, or if they have, then the Peoples conſent is not neceſſary to make obedience a duty: if the firſt, then his Hypotheſis, and moſt part of his two books, ſignifie nothing; if the laſt, then all that he ſays on the preſent head ſignifies as little.

2. Thoſe Uſurpations might be ſetled according to the Doctor's Notion of a Settlement, notwithſtanding what he hath oppos'd to the contrary. Now it will be needleſs to repeat the Doctor's Notion of a Settlement at length. He does not think convenient to inſiſt upon it himſelf. He takes ſanctuary only in one ſmall branch of it, *The ſubmiſſion or conſent of the great Body of the Nation.* And methinks ſince the Dr. inſiſts ſo much upon it, he ſhould have given us ſome ſmall proof, or if that could not be had, ſomething like a proof, that the *Peoples Conſent* is included in the Notion of a *Settlement*, or that a *ſetled Government* to which God annexes his Authority by plain conſtruction means the Peoples conſent All the reſt of the Branches (for this ſame thorough Settlement according to him is a great compoſition) viz. *The whole adminiſtration of Government, the whole power of the Nation,* Caſe of All. p. 9.

tion, all things done in his name, and by his Authority. These the Dr. hath taken great care of, and all his Arguments are one way or other a proof of. But this of the *Peoples Consent* must shift for it self; if it will serve to answer an Objection well and good, but for proving it no matter for that, tho it seems, (as the Dr. now states the matter) it is not one branch but the chief, nay for any thing I can see it is all the Settlement, or however it is so essential to it, that all the rest are nothing without it, *Possession of the Throne by providence, The whole administration of the Government and the Power of the Nation, all things being acted in the usurpers name, and by his Authority.* All these, and I know not how much more, signifie nothing at all with respect to the duty of Obedience without the *Peoples Consent*; and the Dr. does not deny but *Cromwell* had all this; and whether he had the Peoples Consent we come now to examine.

Vind. p. 69. Case of All. p. 47. Now what the Dr. means by the Peoples Consent we have in pag. 69. for having in his Case of Alleg. expressed this by *National Consent, National Act*, and the *Representatives of the Nation*, it was answer'd, 'As to the National Consent in Parliament, that is part of the Constitution, but 'what is that to Usurpation, which may as 'well usurp upon all branches as upon one? He replies, *I do not urge a National Consent in Parliament, consider'd as part of the Constitution, but barely consider'd as a National Consent; for a National Consent and Submission is necessary to the Settlement of any new Government; and this must be declared by one means or other.* And according to this account, *Cromwell* had the Consent of the great body of the Nation to his Government, by other Acts virtually declaring it, and by a formal and express Consent so far as Representatives *illegally* chosen could make such a Consent.

1. By Acts virtually declaring it: When he was proclaimed *Protector*, there were general Acclamations, and such other Expressions as are usual upon the proclaiming a new King, and after that more express Acknowledgments: he was publickly and solemnly treated by the City under the Character of Supreme Governour, and in that Character own'd and submitted to by the most, if not by the whole of the Nation; so that if the Consent of the People may be virtually declar'd he certainly had it.

2. He had a formal and express Consent so far as Representatives *illegally* chosen could make such a consent. He summon'd two Parliaments, both of them met upon his Writ; both of them own'd his Authority, and solemnly recogniz'd it. But to this the Dr. hath some Objections.

1. *That the Parliament summon'd according to the directions of the Instrument* (of Government agreed on by *Cromwell* and his Officers) *never could make a National Consent.* And I pray mark his Reasons, for they are two; 1. *For they were not chosen according to the ancient Usages and Customs of the Nation*, a very weighty Reason according to the Doctor's Principles, for neither is an Usurper a King according to the *ancient Usages and Customs of the Nation.* And if the Consent of the People by their Representatives cannot be made but by the *ancient Customs and Usages of the Nation*, then a Parliament call'd by an Usurper can make no such Consent. This Reason I suppose came from him unawares.

2. His second Reason is, *Nor were they the Representatives of the Nation, but only of a prevailing Party and Faction*; and his reason of that is, *for that Artic.* 14. (of the Instrument) *'tis provided no persons aiding, advising, assisting, or abetting in the war against the Parliament since* 41. *unless they had been since in the Parliaments Service, and given signal Testimonies of their good affections, should give any Vote in the Election of Members.* And what proportion did these bear to the whole Nation? Most of those that had been active in the Kings Service were fled, several turn'd to the Government and were within the Qualification; and how many were the rest? certainly very few in comparison of the whole. So that notwithstanding such restriction, those that were elected might represent the *great Body* of the Nation, which is all the Dr. requires to such a Consent. But here the Dr. objects again, *That after such Election they were not Parliament men, unless they were approved to be Persons not disabled by the major part of the Council*; and accordingly he tells us, that many persons who were return'd in the *second* Parliament were not approved, which occasion'd a Remonstrance subscribed by

by near a hundred. And what then? One Parliament I hope, is sufficient to give the peoples consent. The people in two years time (the distance between the two Parliaments) might grow weary of the Usurpation, and send up Members of another temper; but what did that signifie to their choice before? were any of the first Parliament secluded upon that account? That the Dr. does not say; but for that he tells us, *The first Parliament began to be very busie about the New Government* (but in what particulars he does not say) *but the Protector sent for them into the Painted Chamber, and taught them better.* Well! then they *were better taught*, and comply'd with him. And he before their next sitting, appointed a New Test; and one branch of it was (as the Dr. repeats it) *I do hereby freely promise and engage my self to be true and faithful to the Lord Protector.* And he tells that day one hundred and thirty Members took it, and for ought appears to the contrary, all the rest took it afterwards. And is not this a pure argument, that they did not consent to his Government? I suppose because they took an Oath to be *true and faithful* to him. And so the Dr. hath fairly prov'd his point.

Well! however that be, it can never be deny'd, no not by the Doctor himself, but that a very great number did expresly consent? And what became of them? Why truly, according to him, they became Subjects; for it was *lawful* to submit: and when they had submitted, it became a duty to *them*, tho the rest were free. So that all they that took the *Engagement*, were Subjects to the *Rumpers*; and all that took the Oath to *Oliver*, or otherwise expresly consented to his Government, were his Subjects, and the rest were Subjects to King *Charles*, or rather to no body, but were in interest engag'd to him. And what a special Society have we got here? one part of the same Society are Subjects to one person, another part to another, or rather, absolutely free: one Party are oblig'd in Conscience and by their Oaths, to support one Government with their Lives and Fortunes the other Party are oblig'd by Interest (a Principle found by experience, to be much stronger than Oaths or Conscience) to pull it down, and to set up another; and according to their differing obligations, they were bound to cut one anothers Throats at the first opportunity. Now the Dr. may call this a Humane Society if he please; but it suits better by half with a Society of Wolves and Tygres.

The Dr. has forgot, that one of his principal Aruments for Submission to Usurpers, *is the necessity of Government to preserve Humane Societies; for Humane Societies must not dissolve into a* Hob, *or Mr.* Hobs *State of Nature.* And yet it seems to answer an Objection, it must dissolve into something very like them. To serve that purpose, the Dr. *supposes* that *no man who considers it well, will call that a Civil Government, or a Civil Society, to which Authority and Obedience is Essential.* But to serve another purpose, All Authority and Obedience is stated quite away, and they may submit, or not submit without sin, *i. e.* there is a Society, *where is neither King, nor Subject, no Authority to command, nor Duty to obey.* When the Dr. is to prove submission to Usurpers, from the necessities of Government to preserve Humane Societies; why then, *if God will preserve Humane Society, we must conclude, that when he removes one King out of the Throne, he gives his Authority to him whom he places there, for without Authority, Humane Societies must disband; Power may tye men together a while, but can never unite them into a Civil Body, without the Bonds and Ligaments of Duty and Conscience.* But when the Dr. is for *vindicating* his Arguments from laying any Reproach on the Loyal Sufferers, *then he states the matter so plain, as no body can mistake or misrepresent it:* and that is, that we must *conclude* no such thing at all; we must not *conclude*, that God has given his Authority to him that is placed on the Throne, and the *necessities of Government for preservation of Humane Society, do not give Authority to him that governs, and lay an obligation of duty on the Subject*, and Societies must hang together as well as they can. For *there are no Bonds and Ligaments of Duty and Conscience.* For he tells us very expresly, *that the Subjects were not in those days bound in Conscience to sub-* Case of Alleg. p. 38, 39.

Vind p. 66.

mit to those usurped powers, who notwithstanding *actually govern'd*, and exercis'd the whole *administration* of Government for some years. Well! I perceive some Objections will not be answer'd, except a man contradicts himself; but they must be answer'd, however.

The Dr. goes on to tell us, that since *here was no such settlement as would oblige the Subjects in conscience to obey and submit, he shewed there were other very great reasons why they should not submit.* And *this*, he says, *answers all my little objections.*

Vind. p. 70.

Now we are once again to remember, that the Dr. quarrels with me, for *altering his Order and Method*; and tells me, *there is more of art than honesty in it*: And here again he has done it himself. For all that is said before on this Head, was urg'd by him in the last place, and accordingly in the same order answer'd: and in his *Vindication* he hath begun with it, and inverted his own order; and 'tis plain Artifice, to disguise the weakness and insufficiency of those other matters he then urg'd; for had he reply'd to them in the same order, every Reader might have perceiv'd it. The Objection (which he calls a prejudice) which he laid down, and which he was to answer, was, That his Hypothesis *equally serv'd all Revolutions*, *Rump*, *Protector*, &c. and yet *under that Usurpation, the Loyal Party thought themselves bound in conscience to oppose it at their utmost peril: And shall we arraign them all as resisting God's Ordinance?* His Answer is, *There is a great difference between the two cases*; and he undertook to *shew it upon many accounts*: and adds, *And all together will be more than answer enough.* My Answer was,

Case of Alleg. p. 45, 46.

Postscr. p. 14.

'Those were no differences as 'to the matter before us of 'Submission to Usurped Powers. And what does he reply to this, with respect to those many differences he reckons up? not one single word; but resolves all his Answers into the former Reply. For instance, he had urg'd as one great difference, *The great Villanies of those days, open and bare-fac'd Rebellion, the murder of one of the best Princes.* I answer'd, *the Dr. maintains, that submission is due to Usurped Powers, by what ill means soever they attain'd it; that therefore makes no difference in his argument.* He replyes, *What not to prejudice wise and good men against all compliances?* He should have added what he says in his Case of Allegiance, *though they had been lawful*; and that would have shewn the unreasonableness of urging prejudices, for the practice of wise and good men, against what had been *lawful*. He adds, *for who that could possibly avoid it*; and to explain this, he tells us in a Parenthesis (*that is where strict duty does not oblige, nor irresistable force constrain*) *would submit to such men: i. e.* The former Reply of *not being bound in conscience*, because that Government was not setled. He urg'd the *barbarous usage of the King's friends*, &c. I answer'd, *this made some difference in point of interest, but none in point of conscience.* He replyes, *nor did I say it did*; only it created an Averseness. (He had before said, *it made it useless and impossible*; but now *it created an averseness*, as more agreeable to his present Reply) *which was a Reason not to submit, when they were not obliged in conscience*; the former Reply again, tho not one word of it in his Case of Allegiance. He urg'd *the Church of* England *was overturn'd, Bishops, Deans*, &c. *turn'd out.* I answer'd, *the Case was concerning Civil Government, not Ecclesiastical*: he replyes, *But yet whoever loves the Church, will not choose to submit, (when they are not* **obliged in Conscience** *) to such Usurpations in the State, as overthrow the Church.* The former Reply still; and of which there is not the least mention in the *Case of Allegiance*, but I think the direct contrary: For I ask, had they been bound to submit notwithstanding such invasions on the Church, if the Government had been throughly setled? This he intimates by his Reply; and then I would desire him to explain what he means, when he says in his *Case of Allegiance*, *they had no way to keep their Livings, especially if they were of any value, but by renouncing the Church of* England, *as well as by submission to that Government, which* (says he) *I believe notwithstanding their ready compliance in taking the Oaths, the Clergy at this day, would*

P. 47.

would more univerſally have refuſed, than they did then. What if it be a duty to ſubmit, and take the Oaths? Does Allegiance to the Civil Government ceaſe to be a duty, if they overturn the Church? This will reflect upon St. *Paul's* Doctrine, and the practice of the Primitive Chriſtians, under the Heathen Emperours. And I doubt I had very good reaſon to make this Anſwer, 'I hope the being 'diſabled to keep a Living, eſpecially if it be 'a good one, is not a ſufficient Reaſon to 'rebel. The Dr. is pleaſant in his Reply, and tells me, *he would deſire me carefully to conſider it, for it did not concern them.* Very well! but it concerns him, or elſe his reaſon above, is very ridiculous: for if men may refuſe to ſubmit, when it is a duty, becauſe they cannot hold a good Living according to the Conſtitutions of the Church: Then I doubt it follows, that Civil Duty is to be meaſur'd, not by a *Thorough Settlement*, but by *Eccleſiaſtical Preferments.*

Another difference the Dr. mention'd, was, *The whole Government in Church and State was overturn'd, which was the Fundamental Conſtitution of the Nation.* I anſwer'd, 'This 'was but changing the Form of Government; 'and the *Convocation* ſpeaks of *Degenerate* '*Forms of Government*; and Uſurped Powers 'are not to be limited to a King, but to a 'Government; and the uſurping upon the 'Lords and Commons, as well as upon the 'King, is but Uſurpation ſtill. He replyes, *I grant it, but when ſuch degenerate Forms are not thoroughly ſettled, the ſubverſion of the Fundamental Conſtitution, is a reaſonable prejudice againſt ſubmiſſion, when it is not a duty.*

So that we have nothing but the ſame Anſwer over and over. In his *Caſe of Allegiance*, he mentions a great many differences; and I had ſuited my Anſwers to them, and ſhew'd they made no difference in the Argument; and when he comes to *reply*, he gives one Reply to them all. And that is, that all his differences are come to one ſingle difference; and the Queſtion at laſt is come into a narrow compaſs; and with reſpect to the duty of Submiſſion to Uſurped Powers, the Queſtion is not, whether they attain the Uſurpation by Villanies, or by barbarous uſage of honeſt and loyal people, or by encroachments on the Church, and the perſecution of its members, or by overturning the Legal Conſtitution; but the ſingle Queſtion is, whether the Government be ſettled, and all the reſt ſignifie nothing to the Argument. And this I had told him, *if he would prove the Government of thoſe Uſurpations was not ſettled, he might let all the reſt alone.* And which he hath now done in his Reply, tho he would not ſeem to do it: ſo that my Objections, as *little* as they are, have oblig'd him to quit theſe differences, as making no difference in the Argument, which he cannot deny, tho he cannot endure to own it. For what difference did the *villanies of thoſe days*, make in the Argument? Why truly, it *prejudic'd wiſe and good men* (as all *villanies* do one as well as another) and *where no ſtrict duty oblig'd, who would ſubmit?* That is, the difference in the Argument lyes not in the prejudice, but in not being a *ſtrict duty.* What difference did the *Barbarous uſage of the Kings friends*, make in the Argument? Why, it *created an averſion* (as Hanging, and Impriſonments, and ſuch like kindneſſes are apt to do) and *was a reaſon not to ſubmit, when they were not oblig'd in conſcience*; *i. e.* the difference in the Argument, lyes in the not being *oblig'd in conſcience*, and not in the *averſion.* What difference did the *overturning the Church, and the being diſabled to keep a good Living*, make in the Argument? Why, *whoever loves the Church* (and a good Living) *will not chooſe to ſubmit, when not oblig'd in conſcience.* So that had *Cromwell* reſtor'd *Epiſcopacy* and the *Church Lands*, all would have been well, and he might have had a *Caſe of Allegiance due to Sovereign Princes* wrote in juſtification of ſubmiſſion to him. What difference did the *overturning the Conſtitution* make in the Argument? Why, it is a *reaſonable prejudice* (as the peoples making whom they pleaſe King in an Hereditary Monarchy may be) *againſt ſubmiſſion when the Government is not thoroughly ſettled, and when it is not a duty*: *i. e.* the difference in the Argument lyes in the Government *not being ſettled*, and not in the *prejudice.* It is therefore evident enough, that all thoſe make no

difference in the Argument; and if the Dr. had reply'd in the ſame order, with his own method and my Anſwer, every body would have perceiv'd it; but inſtead of that, he is for *new ſtating the matter*. And the Reaſon of their non-complyance, is to be reſolv'd into nothing but prejudice and intereſt; altho he himſelf had put it into the Objection. *They thought themſelves bound in Conſcience to oppoſe that Uſurpation at their utmoſt peril:* and at the end of his Anſwer expreſſes it, *thoſe who thought it their duty never to ſubmit to that wicked Uſurpation.*

Caſe of Alleg. p. 46. & 48.

I am now come to my Parting Objection in the *Poſtſcript*, of which the Dr. gives us this fair account, That *it is ſo very ridiculous, that had he begun with it, I ſhould have thought he had only intended it for a Jeſt; but I am now ſo well acquainted with his way of reaſoning, that I am ſatisfied he is capable of thinking it an Argument.* Upon my Word, this is very big; and a man would imagine, there was ſomething very wretched and trifling in the Argument. But I am ſo well acquainted with his way of replying, that I am confident here is ſomething he cannot anſwer, and therefore it is to be run down with ſcorn and contempt. If Arguments will not be anſwer'd, let them be hooted at; and perhaps with ſome Readers, that may do as well: and tho I do not believe, that the Dr. is capable of thinking, that ſuch things are Anſwers; yet I do not know, but he may be capable of thinking, that ſome people may take lofty and ſcornful words, for good and plain Anſwers. Well! let us ſee how *ridiculous* the Drs. Anſwer makes it.

Vindic. p. 71.

The Argument is this, 'If 'poſſeſſion of Sovereign Power contrary to Law, be Gods 'Authority, and ought to be obey'd, then 'whatſoever Sovereign Power a Prince poſſeſſes 'himſelf of, is likewiſe God's Authority, & ought 'to be obey'd. He anſwers, *But where do I ſay, that poſſeſſion of Sovereign Power contrary to Law, is God's Authority?* A pleaſant Queſtion, Where did he not ſay it? It is but all over his Book: What is Uſurpation, but poſſeſſion of power *contrary to Law?* And if the Dr. hath any other definition of it, he would do well to produce it. But for a man who writes a Book, to juſtifie ſubmiſſion to *Illegal* and *Uſurped Powers*, as having *God's Authority*, to ask me, where he ſaid, *that poſſeſſion of Sovereign Power contrary to Law, is God's Authority*, is a *Jeſt* indeed. But here the Dr. is very angry, as if I had done him ſome wrong, and tells me, *I do not pretend that he ſaid it in expreſs words, but this I ſuppoſe is the ſenſe of what he ſays:* and adds, *But I deſire he would keep to my words, for I will anſwer for none of his ſenſes, unleſs I were better ſatisfied both of his underſtanding and honeſty.* Now I do not deſire the Dr. ſhould anſwer for any of my ſenſes, unleſs he could anſwer a little better for his own. Let him but anſwer for his own, and I will be ſatisfied; but he will not do that. And I muſt tell him, that *denying* his ſenſe, is not anſwering for it. For for all his impertinent Rhodomontade, that which I have ſaid, is his ſenſe, or elſe his Book is not his ſenſe: for what does he mean by *Illegal Powers*, but *powers contrary to Law*? And (which is the *Cream of the Jeſt*) he immediately adds, *I ſay indeed, that a Prince who is ſettled in the poſſeſſion of Sovereign Power, tho he have no Legal Title to the Crown, has God's Authority*; *i. e.* he ſays the ſame thing, that he makes ſuch a terrible ſwaggering at me for ſaying: for ſays he, *and what then? therefore Poſſeſſion of Sovereign Power contrary to Law, is God's Authority, how does this follow?* And how does it otherwiſe then follow? For what I pray is *a Prince not having a Legal Title*, but a Prince *contrary to Law*? and what is ſuch a Princes *poſſeſſion* of Sovereign Power, but the *poſſeſſion of it contrary to Law*? And if he hath God's Authority by vertue of his poſſeſſion of Sovereign Power contrary to Law, then it follows that poſſeſſion of Sovereign Power contrary to Law, is God's Authority. And does not he tell us, *That the Authority of Government, is always God's Authority*: And what does he mean by Government, but the Poſſeſſion of Sovereign Power? And what hath he to ſay to this? He adds, *Cannot God ſettle a King upon the Throne, without a Legal Title, but he muſt be preſumed*

Poſtſcript, p. 15.

Vind. p. 46.

presumed to give him Authority, whenever he has power, to govern by an arbitrary will, against the Laws of the Land? Cannot God make a King, without giving him Authority to do all that he has power to do? Now the Dr. has the best faculty of turning his Questions that ever I saw, when he is to prove, that God gives his Authority to Illegal and Usurped powers; then the Question is, *Cannot God make a King without a Legal Title? Is God confin'd to Humane Laws in making Kings?* And when he is to prove, that these Usurpers are to govern according to Law, then he is for asking, *Cannot God set up a King, without a Legal Title, but he must be presum'd to give him Authority to govern against the Laws of the Land?* No doubt but God can do both; but that is not the Question. And if we must answer by Questions his Question plainly turns upon him, Cannot God make a King, without confining him to govern by the Laws of the Land, as well as without a Legal Title? No doubt he can do that if he please. And this brings us to the merits of the Cause, which the Dr. would fain shift off. And the Question is, if a Prince in a Limited Monarchy, possesses himself of Arbitrary Sovereign Power, and actually administers it contrary to Law, whether according to his Principles he hath not God's Authority, and ought to be obey'd, and we have not the same Evidence that he hath it that we have, that Usurped Powers have God's Authority. And that is *Possession* and *Providence*: and if we must presume, that God gives his Authority to an Usurper, who is in possession of Sovereign Power contrary to Law, I would fain see a Reason why we must not presume, that God gives his Authority to a Prince, who possesses and exercises Arbitrary Sovereign Power contrary to Law? And if the Law must be our Rule, against the possession of Arbitrary Power, why is it not also our Rule, against Usurped Powers? The one is as consistent with Sovereign Power, as the other: The one God may give as well as the other; & the Evidence that God does so, is the same in both. The one is as contrary to the Law as the other; and the denyal of it, as much confines God to Humane Laws as the other. And here my Argument plainly affects him, which he takes no manner of notice of; 'The 'assuming an *Illegal* Power, 'is no more against the Laws, 'than *Illegal* and *Usurped* Powers: And God, 'when he gives Authority, is confin'd to our 'Laws and Constitutions, no more in the ex- 'tent of Power, than in the Person; and the 'only Evidence that we have that God gives it, 'is the possession of it by Providence; and 'whatsoever Power a Prince is possess'd of, 'hath the same Evidence; and consequently is 'a branch of the same Authority. And *Arbi- 'trary Power* is not inconsistent with the no- 'tion of *Sovereign Power*, and whatever limi- 'tations of Government there are now in the 'World, they are only limitations made by 'Humane Laws, and of no force against God's 'Authority. But this it seems was so *very ridiculous*, that the Dr. had not one single word to say to it. And I must tell him, that I am not only *capable* of thinking it an argument against him, but I am *capable of* thinking it such an argument as he cannot answer, without quitting some of his Principles. And because he despises it so much, I do here provoke him to it. And in the mean time, 'tis *very ridiculous*, to scorn an argument; and when he comes to answer it, to leave out the whole strength and force of it. Postscript, p. 16.

The Reason I added to confirm my Argu- 'ment, was, 'For the formal Reason of Obedi- 'ence to such a Prince, is because he hath God's 'Authority; and the Evidence that he hath 'that Authority, is, because he is possessed of 'Sovereign Power. He answers, *Suppose this, tho God's Authority be the formal reason of 'our obedience to a Prince, yet it is not the Rule of our obedience.* Very well! Then the *Law* is our Rule: and why I pray, is not the *Law* our Rule, with respect to the Person, as well as with respect to the duty we owe him. The Law directs to the Person, as well as to the duty, and directs the duty *only* to that Person: By the Law a Prince ought not to have *Arbitrary Power*; and by the same Law, an Usurper ought to have no power at all. If therefore the *Law* be our Rule, for the same reason that we ought not to obey the acts of *Illegal Power*, we ought not to obey *Usurped Powers* at all. But the Dr. tells us, *The Authority of God, is* Vindic. p. 72.

only

only an authority to govern according to the Laws of God and Nature, or the Laws of the Land. Now the Doctor knows well enough, that in this Argument I oppose *Arbitrary* Sovereign Power, not to the Laws of God and Nature, but to the Laws of the Land, even in the same sense the Dr. understands *Usurped Powers*; and if possession contrary to Law, gives Authority to Usurpation, why not to Arbitrary Power? But that I doubt, is a *Ridiculous* Question too: for men do not love to be ask'd more Questions than they can answer. He adds, *Tho Sovereign Princes may have such an Authority as must not be resisted, yet in a Limited Monarchy, they have no more Authority from God to transgress the Laws of the Land, than in an Absolute Monarchy, to transgress the Laws of God and Nature.* The Proposition couch'd in these words, is this, *That in a Limited Monarchy, a Power that transgresseth the Laws of the Land, is not God's Authority.* And then farewel to Usurpation, that has not God's Authority: For the very being of Usurped Powers, is a fundamental transgression of the Laws of the Land. And if men have no Authority from God to transgress the Laws of the Land, then an Usurper hath no Authority at all. Arbitrary Power transgresseth the Laws of the Land, and therefore it is not God's Authority; and Usurpation transgresseth it ten times more: and therefore, if the Reason be good, that also is not God's Authority. He goes on, *indeed Arbitrary Government is not the possession of Sovereign Power, which is God's Authority, but the Arbitrary Exercise of it.* What does he mean by this? Is not Arbitrary Power God's Authority in an Absolute Monarchy, as well as limited power in a Limited Monarchy? If he means this, he ought to have prov'd it; and he may yet prove it, if he thinks it will help his Hypothesis. But *it is the Arbitrary Exercise of it*: Of what, of *God's Authority*, or of *Sovereign Power*? If Arbitrary Government, be the Arbitrary Exercise of God's Authority, then it ought to be obey'd; for God's Authority ought to be obey'd, in what manner soever it is exercis'd. If of Sovereign Power, then I desire to know, why the *Arbitrary Exercise* of Sovereign Power, is not the Possession of *Arbitrary Sovereign Power*, as well as the *Exercise* of a Limited Power, is the *Possession* of that Power. The Dr. tells us over and over, of the wonderful efficacy of *Actual Government*, *Actual Authority*, *Actual Administration*, which are but other words for the *Exercise* of it; and which are the only Evidences that God gives it, and 'tis that whereby God invests them with it. And why is not the *Actual Exercise of Arbitrary Power*, or the Arbitrary Exercise of Sovereign Power (for I know no difference) as well the Evidence that God gives it, and signs of his investing them with Arbitrary Government, as Actual Government, and Actual Administration is an evidence, that God gives to them that Government they actually administer. Arbitrary Government, not confin'd by Humane Laws, is one kind of Government, and a Government limited by Humane Laws, is another kind; and why is not actual administration, an equal Evidence, that God gives one, as well as the other, that he makes a Legal King an Absolute Monarch, as well as that he makes a Person who hath no Right, a Sovereign Prince? He that usurps upon the Rights of his people, is no more an Usurper, and generally much less, than he that usurps upon the Rights of the Prince: The Drs. main Principle of Providence, and his main Arguments to prove it make no difference. And it is a little mystical, and must so remain, 'till the Dr. explains it, why the very same Reasons will not make it a duty to submit to Arbitrary Power contrary to the Laws of the Land, as well as to submit to Usurped Powers contrary to the same Laws. He adds, *And tho we must obey God's Authority, it does not hence follow, that we must obey the exercise of Arbitrary Power.* Now I wish he had given us a reason for this, and then we should have seen the force of his Answer. I confess, because *we must obey God's Authority, it does not follow, that we must obey the Exercise of Arbitrary Power*: And what is the Reason? Because the Exercise of Arbitrary Power in a Limited Monarchy is contrary to the Laws of the Land, and so is Usurpation too: and if that be a good reason against our obedience to Arbitrary Power, 'tis as good a Reason against our obedience to Usurpers

He goes on, *And yet I do not attribute God's Authority (which we must obey in Conscience) to the bare possession of Power, but*

but to the settled possession of it, that is, with the consent and submission of the People, and could a Prince change a Limited into an Absolute Monarchy by a National Consent, Subjects were then as much bound in conscience to submit to an Arbitrary Power, as they are now to obey the Laws, but then this would not be an Authority against Law, but the Law would be changed. And this I had said before, and draw'd an Inference from it:

Postscript, p. 17. 'That an Illegal Power is not 'throughly settled, nor does 'bind the Subject to obedience, 'till it becomes 'Legal; for a National Consent may part 'with the Rights of a Nation, as well as the 'consent of a Prince may part with his own 'Rights. But this was very ridiculous too: for the Dr. did not think fit to take notice of it, tho it plainly confutes his notion of the *Peoples Consent*. The people may pass away their own Rights; but what have they to do with the Government, and to give away the Rights of that? And why may not the Consent of the Prince, part with the Rights of his People; as well as the Consent of the People, part with the Right of the Prince? And a man may as well say, that the Consent of one man, may give away the Patrimony of another, as to say, the Consent of the People, may dispose of Government, and the Rights of a Prince against his own Consent. And here is the plain difference, the Consent of the People to Arbitrary Power, makes that a Legal Government, and there is no wrong done; but the Consent of the People to Usurpation, violates the Rights of the Legal Prince, and defrauds him of what by Law is his due.

He proceeds, *But do not I say, that when the Laws of the Land contradict the Laws of God, they are no Rule to us, but their obligation must give place to Divine Authority.* He should (says he) have cited the whole, *That the Laws of the Land are the Rule of Conscience, when they do not contradict the Laws of God; but when they do, they are no Rule to us: So that the Laws of the Land must be the Rule of our obedience to Princes, unless they contradict the Laws of God, and I do not know that any of our Laws do that.* Say you so? then the Laws of Succession must be the Rule of our obedience; and we must obey none but the Legal King. And he must find out a new notion of Contradiction, before he can prove, that the Laws of Succession in an Hereditary Monarchy, contradict the Laws of God.

He adds, *It is a certain truth, as our Author must confess, that if the Laws of the Land contradict the Laws of God, they are no Rule to us: But this proves nothing in particular, without proving the Laws of the Land are contrary to the Laws of God. If then he can prove, that by the Law of God we are bound to obey the Arbitrary Will of the Prince against the Laws of the Land whenever he will command things against Law, and has power to crush us, if we will not obey, I will readily grant, and so must he, that it is our duty to do it; but 'till he prove this, he must not take it for granted, there is such a Law.*

Now here we have a strain of the Drs admirable Ingenuity. An unwary Reader may be apt from hence to conclude, that the Design of my Argument here, had been to prove, that it was a duty to obey Arbitrary Power against the Laws of the Land; whereas it is the clean contrary, and proceeds upon the supposition, that it is not a duty: and from thence I shew the absurdity of the Drs. Principles and Arguments, which equally conclude for submission to Arbitrary Power, as to Usurpation. And yet by a fine piece of dexterity the Dr. would thrust the absurdities of his own Doctrines upon me, and by a shameless insinuation make me appear to argue for obedience to Arbitrary Power, when I only argue from his Principles, and from thence shew the inconsequence and absurdity of his Arguments. For thus it follows in the Dr. *What he means by this argument, I cannot tell; if he does think there is such a Law of God, I suppose he intended in good earnest to prove, that we must submit to the Arbitrary Will of the Prince, and to condemn the opposition that was made in the late Reign to such arbitrary proceedings, if he did not believe there was any such Law of God, how ridiculous was it to pretend that we must submit to Arbitrary Will and Power against Law, because when the Laws of the* Vind p 73.

Land

Land contradict the Laws of God, they are no Rule to us. Now what kind of interpretation of the Convocation are we to expect from him, who deals thus with his Adversaries? If contrary to all Justice he can turn the sense the clean contrary, to expose an argument, which he cannot answer, what wonder is it, if he wrests the Convocation to serve his Hypothesis. Does he act at this rate, and yet talk of the *honesty* of his adversary? Let him shew where I have play'd such egregious tricks with any of his arguments, and I will bear the infamy, and ask his pardon to boot; but if he cannot, it returns double upon him, both in making a false charge, and condemning his adversary for that, of which himself is only guilty.

For a conclusion of this Point, I shall bestow another *Jest* upon the Dr. (which also *I am capable of thinking an Argument*) and it is rais'd from his New Hypothesis

P. 13, 14. of *force*, which he tells us, *will justifie submission from what quarter soever it comes*, that *force* justified the *Jews* acting contrary to *the positive Laws of God, which they were religiously bound to observe, by vertue of their Covenant with him, and which was as sacred as any Oath, and that it will justifie the Subjects of Humane Governments, whatever their Oaths, or obligations be, to submit to a new and greater force.* Now from hence, I *jest* or argue (which the Dr. please) with respect to the *Cases* of *Reading the Declaration*, and of the Gentlemen of *Magdalen Colledge* (the very instances I had urg'd against him) and the very words with a little variation

Postscript, p. 16. will form it: 'We thought the 'Laws were our Rule, and 'they, their Statutes, and so it seems they were, *if there were no greater force to dissolve the obligation.* 'Now I suppose, no body at that 'time disputed K. *J*'s power, *or force*, if he 'had only commanded them to choose ano-'ther President contrary to their Statutes and 'their Oaths, and had not been able to *crush* 'them if they refus'd, then the Statutes were 'their Rules, *and their Oaths bound them*, 'and they were oblig'd in Conscience to ob-'serve them. But if he were able to *crush* 'them (as what he actually did, he was cer-'tainly able to do) *then all their obligations* 'ceas'd, and they might have obey'd his Com-'mand contrary to their Statutes and their 'Oaths, *by vertue of the power and force he had in his hands to crush them and undo them.* Now here is the single Question, 'Had the Gentlemen of *Magdalen Colledge* 'comply'd with the Will and Power of the 'King contrary to their Statutes and Oaths, had 'they in so doing, been perjur'd? If they had, *then Laws and Oaths bind against force*, and men are bound to stand by them, let the Persons be never so able to crush them for Refusal. And if *that* force, and ten times more, would not have excus'd them from perjury, had they comply'd; I wonder how it should do it, in the greater and more publick instances. For, how comes an Oath to Local Statutes, to be of more force, than an Oath of Allegiance? or (as the Doctor speaks in the instance of the *Jews*) than God's Covenant with his people? Or how the Statutes of a *Colledge*, should be more obligatory, than the Laws of a Nation. Now we must remember that this was the Case of *private Subjects*, and of a private Colledge, upon the account of which, the Dr. says, *Force will justifie submission, and then it is much the same thing from what quarter the force comes, when a man is under the power of a new Government, which he cannot resist, which will not protect him; nay, which will undo, and ruine him, if he will not submit, 'tis all one*, &c. Now I only desire to know, why force coming from the *quarter* of the *Legal* King, will not justifie submission contrary to Laws and Oaths, as well as force coming from any other *quarter*. And if he in any case, will ruine and undo a private Subject if he refuses, why that will not justifie his actions contrary to the Laws, and his Oaths, as well as the same coming from an Usurper. And if this be the case, Laws and Oaths may serve to talk on, but in truth are of very little use, and tend to very little purpose.

The Dr. says, *He shall only add, That when the Convocation speaks of a settlement, they mean the set-* Vindic. p. 73. *tlement of a Government within it self, and not with respect to foreign force and power: for so they express it,*

when

when they have eſtabliſh'd any of the ſaid degenerate forms of Government amongſt their own people, *and then the Government may be throughly ſettled within it ſelf, before it have a peaceable poſſeſſion and ſettlement.* The Dr. it ſeems was ſenſible, that he had not ſaid one word of an eſſential branch of a *Thorough Settlement*, and that is *peaceable Poſſeſſion*, free from the diſturbance of other Claims and Pretenders. To talk of a Settlement of Poſſeſſion, when the Right Owner puts in his Claim, and actually proſecutes his Title, is to contradict the ſenſe of mankind. And he that will ſay, that a Poſſeſſion without either Right or Peace, that when there is a diſpute about the poſſeſſion, but none at all about the Right or Title, is a *Thorough Settlement*, He may ſay any thing, and make words ſignifie what he pleaſe: He may tell us if he will, that *Uſurpation* ſignifies Law and Right; that *Rebellion* ſignifies *Allegiance*; that *Breach of Faith* ſignifies *Fidelity*; for theſe are not greater contraries to each other. And this I had told him before, 'When Poſtſcript, p. 2. 'there is a Proſecution but of 'a pretended Right, it cannot 'fairly be ſaid, that ſuch a poſſeſſion is through-'ly ſettled, but when there is a plain, viſible, 'and indiſputable Legal Right againſt a Poſ-'ſeſſor, and that Right actually proſecuted, in 'ſuch a Caſe to call bare poſſeſſion a *Thorough* 'Settlement, is one of the ſtrangeſt things in 'the World. But this the Dr. thought fit to let alone, and yet he ſayes but juſt before, *that he hath* particularly *anſwer'd all the little appearances of Reaſon and Arguments in the Poſtſcript:* and methinks if this would not have paſs'd with him for a *Reaſon*, it might at leaſt have gone for a *little appearance of Reaſon*, and might have been anſwer'd. Well! *but the Convocation mean the Settlement of a Government within it ſelf, not with reſpect to foreign force and power.* No doubt of it: for when a Prince and People have given up their Right and ſubmitted, what has a foreign Power to do in the matter? And if the Dr. pleaſe to prove, that the Natural and Legal King is a foreigner, I ſuppoſe it may do his Argument ſome ſervice. But this is juſt ſuch another Argument as this, if one man uſurps upon another's Right, and unjuſtly poſſeſſes himſelf of his Eſtate, if the Right Owner can manage the Suit againſt him with his own Money, or with the Rent and Revenue of the Eſtate, then the Poſſeſſor is not *ſettled* in his poſſeſſion; but if he borrows the money to manage it, then the other is as firmly ſettled as can be. But the Convocation expreſs it, *when they have eſtabliſh'd any of the ſaid degenerate forms of Government amongſt their* own *people.* But Convoc. p. 57. that ſame *own* is his own; for it is not in the *Convocation Book* (which I note only to remind the Doctor, that *little particles* may ſlip from his Pen, as well as from others; and may make him a little more cautious, how he treats his Adverſaries too ſeverely on that account). And what then? Why then they have not eſtabliſh'd the ſaid forms of Government amongſt *other* people: And it would be an extraordinary Eſtabliſhment indeed, if the Settlement of a Government in *England* ſhould be eſtabliſh'd in *China*, or among the People of other Nations. And where I wonder ſhould a form of Government be eſtabliſh'd, but among the people where it is eſtabliſh'd. And this is all the myſterie of the buſineſs, and all the Convocation meant by it. And what is this to the purpoſe? This ſhews indeed, that an Eſtabliſhment among one people, is not an Eſtabliſhment among another people; but this does not ſhew, that Uſurpation, is an *eſtabliſh'd* Government by the conſent of the people, when there is an undoubted Right and Title actually proſecuted againſt it. But I think it ſhews, that the ſenſe of the Convocation is clean contrary, and the way of Expreſſion, which the Convocation here uſes, ſeems a good argument againſt the Drs. interpretation; for had they thought that the *Conſent of the people*, was the main or only thing that *eſtabliſh'd* and *ſetled* any ſuch new Government, here was the faireſt occaſion to have expreſs'd it, and it can hardly be ſuppos'd they ſhould do otherwiſe; and had they been of the Doctor's mind, they muſt have expreſs'd it thus, *When they have eſtabliſh'd any of the ſaid degenerate forms of Government* by the conſent of the people. And I believe no fair Reaſon can be given, why they did not ſo expreſs it, if

they had believed it. The Dr. makes it a Reaſon againſt the interpretation of a Thorough Settlement by the acquiſition of Right. *If* (ſays he) *this had been their meaning, it had been eaſily ſaid, and had prevented all miſtakes about it.* And in the preſent Caſe, if this had been their meaning, it had not only been as eaſily ſaid (which proves nothing) but it had been unreaſonable not to have ſaid it. It had been the plain and natural expreſſion of their ſenſe: and if they intended it, it is unaccountable, why they ſhould not expreſs it. Here they ſpeak of the *people*, and with reſpect alſo to the Eſtabliſhment of a New Government; and if the conſent of the people in their judgments, had been the only thing that eſtabliſh'd ſuch Governments, in all fair conſtruction, it ought to have been expreſs'd, when the nature of the thing, the ſubject matter, the form of expreſſion, all directly lead them to it. But inſtead of that, all that they ſay, is, that ſuch New Governments are eſtabliſh'd *amongſt their people*, But not by them, nor by their conſent. And I think from thence, there is all the reaſon in the World to conclude, that it was not their ſenſe, that the Conſent of the people, was the only, or the main thing that ſettled a New Government. And this is one Argument more againſt the Drs. interpretation of the ſenſe of the Convocation.

Vindic. p. 4.

I now come to his Examination, of what I alledg'd out of Biſhop *Andrews* and Biſhop *Buckeridge*, two Members of this Convocation, and of Dr. *Jackſon*, a Learned Divine of thoſe times, againſt the Drs. ſenſe of the Convocation.

Vindic. p. 74.

Now here the Dr. tells me, *The thing I am to prove from them is, that thoſe who aſcend the Throne by Uſurpation without a Legal Right, have not God's Authority, and muſt not be obey'd, and that ſuch Princes can never in the ſenſe of the Convocation, be ſettled in their Thrones, or have God's Authority, 'till they gain ſome new Legal Right, by the Death or Ceſſion of the Rightful Prince, or by a long Preſcription.* And what need is there of all this? Is it not ſufficient againſt him and his ſenſe of the Convocation, if I prove from them, that Uſurpers are no Kings, nor have God's Authority, nor have the duties of Subjects belonging to them? I did not cite them to juſtifie my Reaſons (which yet would be eaſie enough to do) but againſt that interpretation. And that they are expreſly againſt it, will appear upon Examination.

The firſt is Biſhop *Andrews*, who was a very Learned Member of that Convocation, and underſtood the ſenſe of it as well as the Dr. and it is not very probable, that what he had, determin'd for Doctrine ſolemnly and in Convocation, he would contradict, and deliver the clean contrary in his particular Writings. I crave leave to cite the whole, becauſe the Dr. hath not, that ſo we may the better ſee the Drs. Evaſions. Upon theſe words, *By me Kings reign* (Prov. 8. 15.) he tells, that the Act *Regnant* is twofold: *Some are* Reges, *Kings, and yet reign not* (*as true Heirs defeated*) *and ſome reign, and are no Kings* (*as do all Uſurpers on the Throne* per fas neſaſque) *always it is one thing to be a King, another to reign*; Joaſh *was true King all thoſe ſix years he reigned not*; Athaliah *reigned all thoſe ſix years, yet true Queen ſhe never was any: of ſuch God ſaith,* Hoſ. 8. 9. Regnaverunt ſed non à me. *Why? for* per me Regnes Regnant, *by me Kings reign, Kings of lawful and true deſcent, they reign by me: Thoſe were none ſuch, ſo they reigned without any* per *from me*; *but when theſe meet, and they that be* Reges de jure regnant de facto, *then it is as it ſhould be, and* per me *it is that they ſo meet.*

Anſw. to Pamphl. p. 27.

To this the Dr. ſayes, *The whole of it is no more but this, that the Biſhop will not allow the name of King, to any but Kings of lawful and true deſcent; they are Kings, tho they reign not, as* Joaſh *was; others are no Kings, but Uſurpers, tho they reign, as* Athaliah *did. And* (ſayes he) *what is this to the purpoſe?* Truly not very much, as the Dr. hath order'd the matter. He would fain perſwade his Reader, that all the difference between the Biſhop and him, is only about a *Name*, as if the ſaying *they are*, and *they are not Kings*, meant no more than they are, or they are not ſo

ſo called: the aſſerting the Right Heir to be King, tho he does not reign, and the Uſurper to be no King, tho he does reign, according to him, is nothing at all but a trifling diſpute about names. And when the Biſhop ſayes, *always one thing it is to be a King, another to Reign*, he only meant a nominal difference, and nothing at all beſides. For the Dr. tells us, *the whole is no more but this he will not allow the name of King*, &c. Now I am ſo well acquainted with the Drs. faculty at interpretation, as not at all to wonder at this: But he muſt have a very mean opinion of his Readers, that can think ſuch things will go down with them: Is it poſſible, that any thing can be expreſs'd more contradictory, than the Biſhops aſſertions here are to the Drs. The Biſhop ſayes, *Some are Kings, and yet reign not as true Heirs*; the Dr. ſayes the contrary, *He ought to be King, but is not; the man is in being, but the King is gone*: The Biſhop ſayes, *ſome Reign, and are no Kings, as Uſurpers*; the Dr. ſays, that all that reign are Kings, and particularly *Uſurpers*. The Biſhop ſayes, that lawful Kings, reign by God; and Uſurpers do not; the Dr. the clean contrary. And yet the Dr. can with great Modeſty ask, *What is this to the purpoſe?* Alas, nothing at all; only it contradicts every thing in the Drs. two Books. But (ſayes he) *does not the Convocation allow* Joaſh *to be the true Heir while he was kept from the Crown?* How nicely does he expreſs this, *the True Heir?* Yes, the Convocation does not only allow him to be the *True Heir*, but the *True King* alſo, tho the Dr. does not, but dates his Authority from his Coronation; and is not this very pretty? The Biſhop ſayes, Joaſh *was true King all thoſe ſix years he reigned not*: and the Dr. anſwers, he was the true Heir, *i. e.* he was not the true King: for according to his Principles, there is as much difference between the *true Heir*, and the *true King*, as there is between ſomething and nothing; *And* Athaliah *an Uſurper, tho ſhe reigned ſix years?* Right! the Convocation does ſay ſo; and ſo does the Biſhop, and ſo does the Doctor. But here is the difference, the Biſhop ſayes, *Athaliah was never any true Queen*, the Dr. ſayes ſhe was; and as true a Queen, as *Joaſh* was a King, bating only the irreſiſtableneſs of her Authority; nay, in the matter now compar'd, ſhe was a truer *Queen*, than *Joaſh* was a *King*; for, for thoſe ſix years ſhe was a *true Queen*, and *Joaſh* was only a *true Heir*, *i. e.* ſhe was Queen, and *Joaſh* was not King. A very fair Reconciliation! The Biſhops words are, *Joaſh* was King, and *Athaliah* was not Queen all thoſe ſix years, and the Drs. ſenſe is, *Athaliah* was Queen, and *Joaſh* was not King all thoſe ſix years. And yet the *Biſhop might be of his mind, tho he would not allow them the name of Kings*. Yes, juſt as much as two perſons are of the ſame mind, who manifeſtly contradict each other: What he adds about the Convocation's ſpeaking of a King *de facto*, and what Doctrine he hath prov'd from thence, I have anſwer'd already. But for him to ſay, that notwithſtanding his ſaying, that *true Heirs who reign not*, *i. e.* in the Drs. language are out of poſſeſſion, are the true Kings, that Uſurpers who reign, *i. e.* are in poſſeſſion of the Throne, are not true Kings; Biſhop *Andrews* might be of the *ſame mind with the Doctor* as to obedience to ſuch Uſurpers, is to ſuppoſe all his Readers out of their wits. For if any man can believe, that that Learned Biſhop did think, that the Duties *only* belonging to a King, were due to a Perſon whom he thought to be no King, and were not due to the Perſon whom he thought was the King; it is high time to leave diſputing, and go range our ſelves in the Foreſt: For we muſt give over communicating our minds, if the ſenſe of men cannot be learnt from the plaineſt Expreſſions.

The Dr. goes on, *But the Biſhop will not allow, that ſuch Kings* (if he pleaſes, ſuch Uſurpers, and no Kings; for that is the Biſhop's Expreſſion) **reigned by God.** Right! *But then he does not mean, that ſuch Kings do not* **exerciſe** *God's Authority; But that God did not by his antecedent will and appointment, place them on the Throne.* But how does the Dr. know that, or where had he this? Does the Biſhop ſay, or in the leaſt intimate any ſuch thing? No matter for that; the Dr. is reſolv'd to make him ſay ſo, becauſe it is for his purpoſe. And is not this a pure Interpreter of Authors? What Authority has he to make ſenſes for men, which they never made themſelves? He might have ſaid, and

with the ſame Juſtice and Truth, that the Biſhop when he ſaid, Uſurpers were no Kings, he *meant* they were Kings, when he ſaid, they did not reign by God, he *meant* they did reign by him. Grant but this liberty, that men may clap their own *diſtinctions* upon others, and we may eaſily make them ſay what we pleaſe: and at this rate the Dr. may make Biſhops, or Convocations, or any body elſe, ſpeak what he hath a mind to. Let him ſhew if he can, where this diſtinction of *Exerciſing God's Authority, tho not Reigning by him*, and of his *Antecedent Will*, are in Biſhop *Andrews*. And if he can't, let him try if he can make another diſtinction, to avoid the charge of *inventing a ſenſe, and faſtning it upon the Biſhop, to ſerve his own turn.*

He adds, *Thus St.* Chryſoſtom *on the thirteenth to the* Romans, why did Biſhop *Andrews* cite St. *Chryſoſtom*? Nor that neither; nor had any reference to him: and how then comes St *Chryſoſtom* to explain the Biſhop's ſenſe? Suppoſe St *Chryſoſtom* was of that mind, does it follow, that therefore the Biſhop was? If this be not his meaning, what does he underſtand by his Particle [*thus*]? Well! but *thus St.* Chryſoſtom *on the thirteenth to the* Romans: why, doth St. *Chryſoſtom* ſay any thing, *of ſuch Kings exerciſing God's Authority, tho God did not by his antecedent will and appointment place them on the Throne?* nor that neither; but the Dr. hath taken this diſtinction from Dr. *Jackſon*, and faſtned it upon Biſhop *Buckeridge* and St. *Chryſoſtom*, tho neither of them ſay one word of it, nor any thing like it. And in truth, in reference to Dr. *Jackſon* himſelf, he both miſtakes and miſapplyes it, as we ſhall ſee preſently. But as for St. *Chryſoſtom*, the Dr. tell us, *he allows all power and authority to be of God, and to be ordained of God, and therefore ought not to be reſiſted, whoever has it: but yet will not ſay, that all Princes, who exerciſe this Power wickedly and tyrannically, whatever their Title be, are ordained of God.* But where had the Dr. this? St. *Chryſoſtom* (as far as I can find) ſays nothing of this. There is nothing in him, of *whoever has this power*: He ſayes indeed, the Apoſtle does not ſay, *There is no Governour, but what is of God, but he ſpeaks of the thing it ſelf, there is no power but of God.* And from whence I think it plainly follows, That a Governour, or in the Drs. words, one that actually governs, might not be of God, and conſequently, ſuch a one is not within the Precept of the Apoſtle, according to St. *Chryſoſtom*. But the Dr. gives a Reaſon, *He* (St. *Chryſoſtom*) *thought it a reproach and blemiſh to the Goodneſs and Juſtice of Providence, to ſay that wicked, impious, tyrannical Princes, were ordained by God; but yet granted, that the Authority they exerciſed was Gods, and muſt be obey'd.* But this is all his own, and a Reaſon he hath made for St. *Chryſoſtom*, to make him ſpeak what he thinks fit; for where does St. *Chryſoſtom* ſay any thing *of reproaching and blemiſhing the Juſtice and Goodneſs of Providence?* And where does he ſay, that the *Authority* exercis'd, *was God's Authority, and ought to be obey'd*, whatever the Perſons were; or as the Dr. ſayes before, *whatever their Title be?* Upon this the Controverſie turns, and St. *Chryſoſtom* hath not the leaſt word of it. And I believe any man that attentively conſiders St *Chryſoſtom*, will find, that he delivers a Doctrine directly contrary to what the Doctor hath made for him. For he plainly intimates, that all Governours are not of God, tho Government it ſelf is; and when he comes to explain this, he does it by an alluſion from Marriage; That *a woman is joyned to a man by God, that is, by God's Inſtitution of Matrimony, not that every one that co-habits with a Woman, is therefore joyn'd to her by God.* Now if it will be admitted, that this alluſion explains St *Chryſoſtom*'s meaning (and I think that cannot be doubted) then we have a pretty clear account of what he means, when he ſayes, all Governours are not ordain'd of God; Marriage is of Divine Inſtitution, as well as Government: But as every man that co-habits with a woman in the Drs. phraſe, *is in poſſeſſion*, is not therefore joyn'd by God, nor is any Matrimonial Relation contracted; ſo every one that poſſeſſes the Throne, is not therefore ordain'd of God for a Prince or Ruler; an Adulterer is not a Husband of God's making, however he may unlawfully or providentially co-habit with a woman: nor is an Uſurper a King of God's making, however he may providentially exerciſe the Government: and the

Doctor

Doctor may as well say, that St. *Chrysostom* granted that any man that co-habits with a woman ought to be obey'd, and to have the duties belonging to a Husband pay'd to him, tho they are not joyn'd together by God, as that he grants, that a Governour exercises God's Authority, and ought to be obey'd, tho he will not allow that such Governours are ordain'd of God.

The Doctor adds, *The Bishop and others will allow what St.* Chrysostom *would not, that most wicked Tyrants, who have a Legal Title, are ordain'd of God, but are afraid to own that Princes, who ascend their Thrones by unjust means, are set up by God; but it does not hence follow, that they deny'd their power and authority to be God's, or that Subjects ought to obey it.* P. 75. And he adds, *the Convocation affirms no more in that mighty place.* And then he concludes, *so that Learned men may differ in this point, whether illegal Usurpers are placed in the Throne, by the over-ruling Counsels and appointment of God, or only by his permissive Providence, and yet agree in the main Conclusion, That the Authority they exercise, when settled in their Thrones, is God's Authority, and must be obey'd.* Now this is a dextrous method of interpretation, and a curious way to avoid the force of any Allegations. And Authors must be very stiff and stubborn, if they will not yield and be brought over, when we may make distinctions for them, which they never made themselves, and then draw a sense for them out of our own Distinctions. The Question is concerning the sense of Bishop *Andrews*: The Doctor cites St. *Chrysostom*, to prove the Bishop's sense; and to make that good, he sayes, the *Bishop* and others will allow more than St. *Chrysostom* would; and at length concludes, *That Learned Men may differ as to the placing an Usurper on the Throne, whether by the Counsel or permission of God, and agree in the main conclusion, that they exercise God's Authority.* But where I pray, is this difference? And where is this agreement? Is there any thing like it in Bishop *Andrews*? Not a word of that. He tells us indeed, *we have an express determination of this matter by Dr.* Jackson. And suppose we have, what is that to the purpose? We are not now enquiring into Dr. *Jackson's* sense, but into Bishop *Andrew's* sense: Suppose Dr. *Jackson* did differ with the Dr. about God's Council, and permission of Usurpers, and yet agree in the main Conclusion, does it follow, that Bishop *Andrews* did so likewise? or that when he sayes, Kings that reign not, are true Kings, and Usurpers that reign, are not Kings, he speaks it with reference to such difference, or to such agreement, tho he hath not the least word or intimation of it, nor any thing like it? But of this before.

And now let us see what Dr. *Jackson* says; the Doctor tells *me*, it is *in that very Sermon to which I appeal.* The words that concern the Controversie are these: 'But doth the Rule 'of our Apostle hold as punctually of the 'Magistrate, as of the Magistracy? Doth every 'one which resists the Magistrate, or men invested with the power of Jurisdiction, resist 'the Ordinance of God, as directly, or in as 'high degree, as he that resists the Power it 'self, wherewith he is invested, as he that 'seeks to overthrow the Magistracy? And then he repeats the observation of S. *Chrysostom* and *Oecumenius*, who observe, the *Apostle* speaks not of this or that Magistrate in particular, *sed de re ipsa*, and then asks, Is there any power, not inherent in some mens persons? Any Magistracy without a Magistrate? And from thence concludes, the Magistrate must not be resisted, as well as the Magistracy. The Doctor hath repeated this at large, but for what purpose I cannot imagine: for how does any thing here, concern the dispute between us? He adds, *that in the next Section Dr.* Jackson *makes a great difference between the power it self, and the acquisition or exercise of power.* 'That our Apostles Rule 'doth not so punctually hold, of the means of 'acquisition of power, or of the exercise of 'it, as it doth of the power, or Magistracy it 'self, albeit the power or Magistracy be always '**God's positive and primary Ordinance**' always an effect of his gracious Providence, 'always a blessing to any Land or People; or 'the **award of his antecedent will**; yet the 'manner of acquiring this power, or the annexing it to this or that person, is not always 'the **positive Ordinance of God**, no effect 'of his bounty and benignity, no consequent

'of

'of his antecedent will, but ſometimes ra-
'ther the award of his conſequent will & an
'act at leaſt permiſſive of his punitive Juſtice.
From theſe words the Doctor draws this Con-
cluſion, *So that all Princes are not from God
in the ſame ſenſe that all power is, but all
Princes have that power, which is from God,
and muſt be obey'd.* But from whence does
this follow, there is not a word in this laſt
Paragraph *of all Princes having that power
which is from God, and muſt be obey'd*; *i. e.*
all Uſurpers as well as Lawful Princes, as Do-
ctor *Jackſon* afterwards expreſſes it, *Tyrants by
Title*, but I think the clean contrary; in the
former Paragraph he had ſaid, that the Rule of
the Apoſtle held as well of the Magiſtrate, as of
the Magiſtracy, and they muſt not be reſiſted:
But in this Paragraph he plainly tells us, *that
the Apoſtle's Rule* doth not ſo punctually hold,
of the means or acquiſition of power. 'Tis
true indeed he ſays, that Magiſtracy is always
God's poſitive and primary Ordinance, but the
means of acquiring this power is not ſo, but
ſometimes the award of his conſequent Will,
which the Doctor hath put into great Letters,
as if they were much for his purpoſe; whereas
all the meaning of that is, as Dr. *Jackſon*
himſelf explains it, that the one is always an
effect of his gracious Providence, always
a bleſſing towards a Land, or People, but
the other is ſometimes an act at leaſt permiſ-
ſive of his punitive Juſtice. But what is
this to Obedience or Reſiſtance? I hope God's
puniſhing people by an Uſurper, is not an ar-
gument, that therefore they ought to obey him
in conſcience: and the truth is, Dr. *Jackſon* in
this Paragraph does not at all concern himſelf,
with any thing that relates to Obedience to
Uſurpers, but ſpeaks to that in the next Section,
and there plainly affirms, that Uſurpers may
be reſiſted; and that will be conſider'd pre-
ſently.

In the mean time, before I take leave of
Biſhop *Andrews*, I ſhall give the D another
Quotation out of him, and ſhall leave it to
his conſideration, and Diſtinctions: 'tis in a
Sermon preach'd 1610. on 1 *Chron.* 16. 22.
Unxit in Regem, *Royal Unction gives no
Grace, but a right Title, only* in Regem,
*to be King, that is all, and no more; it is
the adminiſtration to govern, not the gift
to govern well; the Right of ruling, not the
ruling right; it includes nothing but a due
Title, it excludes nothing but* Uſurpation:
*who is anointed? on whom the Right
reſts; who is* inunctus? *he who hath it not;
ſuppoſe* Nimrod, *who cared for no anoint-
ing, thruſt himſelf in, and by violence
uſurped the Throne, came in like one ſteeped
in vinegar, than anointed with oyl, rather
as a Ranger over a Foreſt, than a Father
over a Family, he was not anointed nor any
that ſo come in: But on the other ſide,*
David, *or he that firſt beginneth a Royal
Race, is as the head, on him is that right of
ruling firſt ſhed; from him it runs down to
the next; and ſo ſtill even to the loweſt
borders of his lawful iſſue. Remember* Job
36. 7. **Reges in ſolio collocat in perpe-
tuum**, *it is for ever God's claim, never for-
feits his character never to be wiped out,
nor ſcraped out; nor Kings loſe their right,
no more than Patriarchs did their Father-
hood.*

My next Teſtimony was from Biſhop *Buck-
ridge*, (another Learned Member
of that Convocation): And the
Dr. ſays, *He ſpeaks exactly the
ſenſe of the Convocation:* And
I ſay ſo too; but here we differ: for I affirm,
that he does not ſpeak the Doctor's ſenſe. And if he would
have repeated what I have cited out of him, it
would have plainly appeared: But he did not
care to do that; and therefore I
muſt be forc'd to do it; and we
ſhall ſoon ſee the difference. I
had cited out of him, that he had
lay'd this down as a general Do-
ctrine, *There is a great diffe-
rence between a Tyrant reigning
by a lawful Title, and a Tyrant
without Right and Title, and in-
vading the Kingdom by force; if
a Lawful King exerciſe Tyranny,
he cannot be compell'd by the
Biſhops, Nobles, or People,* &c.
*ſuch a Tyrant being in the Throne
by a juſt Title, is ordained of God, and he
who reſiſts him, reſiſts the Ordinance of God:
But if any man ſnatcheth the Kingdom by
force and Tyranny, he is not a King, but an
Enemy, and it is lawful for any of the people
to*

Vind. p. 76.

Anſwer to the Pamphl. p. 27.

Diſpar vero eſt ratio Tyranni legitimo jure regnantis, &c. Roſſenſ. p. 919.

to do the same to him, as they may do to an enemy. And what did the Doctor say to this? why truly not one single word, nor so much as vouchsafe to take the least notice of it. And let any impartial and unprejudic'd Reader judge, if the Doctor's Hypothesis and Interpretation of the Convocation be not as direct a contradiction to this as words can make it. The Bishop makes a manifest difference between a Prince by Right and Title, and an Usurper, with respect to the Peoples Obedience, that a lawful King tho he rules tyrannically must not be resisted, that an Usurper is no King but an Enemy, and may be resisted as an Enemy. Nay he adds further, *That it is the common opinion that in such a case it is lawful for any Subject to kill such a Tyrant and Usurper,* and which opinion he himself expressly approves (pag. 922.) And now does not every body see what Agreement there is between the Doctor's Hypothesis, and the Doctrine here deliver'd by Bishop *Buckeridge?* The Doctor tells us, as the sense of the *Convocation, That those who have no Title to the Throne may have God's Authority.* The Bishop (by necessary implication) intimates that those only who are in the Throne by a *just Title are ordain'd of God,* and consequently those *only* have God's Authority. The Doctor says, that such Princes in possession of the Throne without Title ought to be *obey'd* for Conscience sake; the Bishop says they may be *resisted and kill'd.* But this the Doctor did not think fit to meddle with tho it directly affects him, and the whole design of his book; but instead of that falls upon another citation, and makes some Cavils upon it (for they are no better) as we shall see upon the examining it.

Communis opinio est, quod in hoc casu licet unicuique subdito tale Tyrannum & invasorem occidere. *ib.*

He tells me, *I did well to cite the Passage honestly, but not so to corrupt it with my comment; for (says he) he turns a disjunctive into a conjunctive: The Bishop says,* neither by the consent of the People, nor by the prescription of six years, *which supposes that either the consent of the People or a long prescription would give a Right; and he expounds it of both together,* That a Right to the Government is acquir'd by a Prescription, and that is a long uninterrupted possession joyned with the consent of the people.

But why did not the Doctor go on? my very next words are, *And so it follows a little after when in answer to* Bellarmine's *objecting,* &c. And what does *and so it follows* mean? I prove this *last part* therefore not from the *disjunctive* before, but from the Answer that follows, which is to *Bellarmines* instances of Tyrannical Government that became *lawful* by the *Consent of the People,* as the *Cæsars, Goths* and *Lombards,* (*accedente populorum consensu*) These *Examples* (says he) *are nothing to the purpose, for those Governments were in their infancy, scarcely constituted and confirmed,* &c. And then immediately adds, *Governments indeed acquir'd by the Right of War by Prescription* Imperia venro jure belli *usually become lawful; but in the Tribe of* Judah, *the Kingdom by the appointment and promise of God* acquisita, &c. *belong'd to the male Heir of* David's *line, and the chief Priest, Nobles, and People, could not transfer it, and it had been impiety in them, to have confirm'd* Athal. by consenting to her; *nor was it in their power or* consent *to neglect or lay aside the Heir of* David: and put these together, Governments indeed acquir'd by the Right of War became lawful by Prescription, but in *Judah* the Peoples consent signified nothing. And what is this but *Prescription joyn'd with the People's Consent?* nay he expressly joyns them in the Sentence immediately following, *Præscriptio & Consensus Regni.* And is *&* there a Disjunctive too? The whole Sentence is, *Electio senatus, populique* vel *Exercitus, Præscriptio & Consensus Regni,* five *Reipublicæ, quæ in aliis regnis Electivis* aut *nondum constitutis* aut *jure belli acquisitis locum habere possunt, in Regnum* Judæ *locum non habent.* In which short Sentence there are no less than four *Disjunctives*: and what fair reason can be given why this only should be express'd by a *Conjunctive,* except he had intended it should also be understood in a *conjunctive* sense. So that if the Doctor had considered the whole of what I had cited, and the place I had refer'd to, he might have saved the trouble of crying out of prevaricating and corrupting. But why did not I express this? And what then? must a man corrupt an Author because he does not cite his words, tho he gives his sense? But the reason was, be-

Answ. to Pamph. p. 28.

P. 921.

P. 922.

cause

cause it was not at all to the purpose for which I cited the Bishop. My end was, to shew against the *Author* of the *Pamphlet*, that his Notion of a *Thorough Settlement* was inconsistent with the Sense and Doctrine of Bishop *Bucheridge*. And therefore all the conclusion I draw from thence is this, 'That the *Author*'s full possession of Dignities, Prerogatives, *&c.* to which 'our Allegiance is due, is a Notion that before now never saw the light among the true 'sons of the Church of *England*.——Now that *Author* had said nothing of the Peoples Consent, and I was not concern'd to obviate a Notion which the *Author* with whom I had to deal had not mention'd nor insisted on. And that Answer was out of my hands, and gone to the Press, before the Doctor's *Case of Allegiance* came abroad, and his new business of the *Peoples Consent* took vent. And I dare be bold to say, that that *Author*, nor any man else of the Church of *England*, ever thought of it before, except it had been with thoughts of abhorrence: for 'tis a Notion with a *Commonwealth* in the belly on't, and plainly centers in *Commonwealth* Principles: for if the Consent of the People can make Allegiance become a duty contrary to Laws and Oaths, their Dissent may make it no duty contrary to the same Laws and Oaths. If their Consent can make one King, or (which is the same thing) make their Allegiance due to him when by the Laws and their Oaths they have obligations to another, they may make or unmake Kings as often as they please; for their consenting to one is the discharging another, and at length all the business of Governments will be resolv'd into the Peoples Consent. But to return.

But does not the Bishop say, *That* Athaliah *had not acquir'd a Right to the Crown, neither by the Consent of the People, nor by the Prescription of six years*? Right, but what follows is not so, *which shews what his judgment was that such an Usurper as* Athaliah *might acquire a Right to the Crown, either by the Consent of the People or by long Continuance. Bellarmine* indeed had objected, That *Athaliah*'s Government was approv'd by the Peoples Consent, and that she had reigned quietly six years. And the Bishop answers, she had acquir'd a Right neither by the Consent of the People, nor by Prescription. But it does not follow that therefore he thought the Consent of the People *in such a case as Athaliah*'s, where the right Heir was in being and claiming, would make a Right. He proves indeed they did not consent because they ought not to have consented, which is both against *Bellarmine* and against the Doctor; and one of his Reasons is, *That* Jehoiada *had been a Traitor to the heir of the Crown, and to the King himself.* And the Reason he gives of that is, (and let the Doctor observe it, *For in hereditary Kingdoms in the very instant and moment of his Fathers death, the son is King ipso jure & ipso facto.* He seems indeed to argue from *Bellarmines* Principles, and sarcastically returns them upon him, *siccine vero*, Is it so indeed? *What is the reason then that so soon as they hear of the then King* Joash, *they so easily and so unanimously conspire against* Athaliah? *Had they no scruple of Conscience, no remorse, to betray her whom by their own free Consent they had made their lawful Queen?* And it is demonstration that the Bishop answers upon supposition only, and not upon his own Principles, as if he had thought the Consent of the People in such a case would have made a lawful Prince and have convey'd a Right and Title to the Government; for he expressly says in this very Case, p. 921. *That the Consent of the Kingdom* (in the Doctor's phrase) *a National Consent, had no place in the Kingdom of Judah*, and upon this occasion delivers a Doctrine in general concerning hereditary Kingdoms, *The Priests, Nobles and People, have a power in declaring and inaugurating the true King; but God and Nature confer the* Right to the Government, *and not the Commonwealth.* Which is a sufficient evidence what the Bishops judgment was in this point, and that *his judgment* was not (as the Doctor says) *that such an Usurper as Athaliah might* acquire a Right *to the Government by the consent of the People.* But suppose it was? What service would that do the Doctor? the Doctor's own judgment is otherwise. If the Bishop did think that an Usurper might acquire a Right by the consent of the People, the

Filius enim in regnis hæreditariis in ipso instanti & articulo mortis paternæ rex est ipso jure, & ipso facto. p. 920.

In vero rege hæreditario declarando & inaugurando potestatem habent sacerdotes, Proceres, & populus, at jus Regni confert deus & natura non Respublica. p. 923.

the Doctor thinks he is mistaken. And how can such an instance, if it were true, serve his purpose? But the Doctor is for drawing the conclusion without admitting the Premises; nay he is for drawing the same conclusion from contrary Premises. Suppose the Bishop did believe that the consent of the People convey'd a Right and Title to the Government, (in the forementioned case of a competition between an Usurper in Possession and the right Heir out of Possession) and from thence should conclude that these Governments should be obey'd, not *as usurped Powers*, but *as having a Right*, and being legal Governments. And what signifies this to the Doctor, who admits they have not Right nor are legal, but usurped Powers? The Doctor hath a pleasant Evasion for this, *i. e.* (says he)

Vindic. p. 23. *Such a Right as makes Obedience due to Princes thus setled without a legal Title.* Which is a very dexterous interpretation of the Bishop. The Bishop's words are, by their consent making a *lawful Queen, conferring a Right and Title*, acquiring a *Right* to the Government [*Reginam legitimam fecerunt*---*at usurpatrici* jus & titulum Regni *conferret*,---*nec* jus Regni *acquisivit*] which according to the Doctor's vein of Interpretation signifies *a Right to Obedience without a legal Title.* And yet at the same time tells me, *I*

P. 920, 921.

Vind. p. 23. *greatly prevaricate in pretending to give the Bishops sense.* But what the Bishop's own judgment was, with respect to the *Peoples consent* conferring a Right to the Government, may be seen above, and also an express determination; as may be seen at large p. 291.

My next citation is out of Dr. *Jackson*, and the Doctor allows it, *That a meer usurper or a Tyrant by Title may be resisted by violence even to Deposition or Death.* And then he makes his Exceptions, *Our Author confesses* Dr. Jackson *will not allow Resistance to be made by every body, but he says it with this Qualification save in the Right and Interest of the right Heir, or by his Commission or Command.* And here he tells me, *I have made a Conjunctive a Disjunctive* Or *for* And. Now I own that is made in the Print, but it was not made in the Copy, which was carefully and *verbatim* transcrib'd from Dr. *Jackson*, but by the mistake of the Printer, and I must tell the Doctor, I had not the Correction of the sheets as they came from the Press, but they were forced to take their chance, and there were a great many more Errors than that; and 'tis likely there will be as many in this; and I know not how to avoid it. But after all, there was no need of such an out-cry about it, for the change of that Particle makes no change in the Argument; and 'tis equally valid against him with and without that Particle.

The Doctor hath not transcrib'd what I cited out of Dr. *Jackson*, but hath given us the next Paragraph, and appeals to the Reader on which side Dr. *Jackson* is, and therefore I shall observe his method, and consider whether what he hath cited makes for him, and then shew how that which I have cited makes against him.

The Paragraph is this, and the Doctor hath cited it at length: *So then a Tyrant or usurper may be deposed or resisted, but* thus *resisted he may not be by every man who knows him to be an usurper: for a man may transgress this Rule of the Apostle and resist God's Ordinance by resisting the power wherewith he is invested, tho not simply by resisting him,* Aliud est Magistratum esse aliud esse in Magistratu esse, aut Magistratum gerere. *It is one thing to be a true and lawful Magistrate, another thing to bear or execute the office of a true Magistrate. The Acts of a false Magistrate or Intruder, whilst he is in* Magistratu *in the office it self, are of validity, his Person is to be obey'd, not resisted by every man, untill he be declared to be an usurper or Intruder by some higher Power or Authority. Few Tyrants have gotten investiture or admission to Royal Power by more indirect means than* Richard III. *in this Kingdom did, yet many Acts and Exercises of Royal Power, tho proceeding from him, were legal, and of validity; nor did they resist the Ordinance of God that have office under him, and obey'd his Summons, whether for Parliament, or other business of State. It had* been a sin for any man of his own private head to have kill'd him, *a best all the space of his reign he did resist the Ordinance of God; this belongs to the higher Powers only, or unto them to whom the Supreme Power by Right is annexed: and so* Henry of Richmond *was authorized by God's Ordinance to execute Vengeance and to bring Condemnation on this Tyrant, which every man*

might not have done, which perhaps no other might have done save in his Right and Interest, and by his Commission and Command.

This is the intire Paragraph, which the Dr. *leaves his Reader to judge on which side Dr.* Jackson *is*, and I will leave *him* to judge whether these plain propositions are not deducible from it, and then let him make his best of the rest.

1. That every man may not resist an Usurper, tho he knows him to be so.

2. That the Acts of a false Magistrate or Intruder, while he is in the office are of validity, his Person is to be obeyed and not resisted by every man. But then it is with this qualification, until he be *declared to be an Usurper or Intruder by some Higher Power and Authority*; but then by consequence when he is so declared, his Acts are not of validity, nor is his Person to be obeyed, (*and let the Dr. remember that too*) and who are those Higher Powers that may declare this, why if the Dr. would have mentioned what I had cited, it would have appeared to have been the Rightful King: And it is sufficiently expressed in this Paragraph, *them unto whom the Supreme Power by Right is annexed*; and this confutes all the Drs. Principles and Arguments. For then the Prince out of Possession is our King and the Higher Powers, And there is nothing of duty owing to an Usurper, whensoever he please to declare him so: I wonder the Dr. did not think of this, and tell us as he does about receiving a Commission from a dispossessed King. That the great Question is, whether Subjects may lawfully hear a Proclamation from the dispossessed Prince; which would have been a fine complement to Dr. *Jackson*. He supposes the Rightful Prince may declare the Possessor an Usurper, but at the same time, suppose there are no ways whereby he can declare it, or (which is all one) that no body can take notice of his Declaration. For this Declaration plainly (in the sense of Dr. *Jackson*) respects those under the Usurper, as *the validity of his Acts, the obedience to his Person.* — These respect only those under the Usurpers Power; and then I would ask the Dr. whether a Rightful Prince actually insisting upon his Right, and making war in prosecution of it, be not a sufficient Declaration as to this point?

We are now come to matter of fact, the Case of *Richard* the Third: And from what Dr. *Jackson* says, these things are plain.

1. That *Richard* the Third came to be invested with Royal Power by very indirect means.

2. That many Acts of Royal Power tho proceeding from him were legal.

3. That they that bore office under him, or obeyed his summons to Parliament did not resist the Ordinance of God.

4. That it had been a sin for any man *of his own private head* to have killed him. And this the Dr. hath put into great black letters, as if there were some very great matter in it: But in truth it is nothing at all, for I do not know that it is a Question between us, whether any man *of his own private head* may kill an Usurper, whatever some learned men have said about it. But this I can tell him, that Dr. *Jackson* expressing it with this cautious limitation, plainly supposes that he thought it might be done by private men, tho not of their own private Heads. And therefore,

5. Every man is not Avenger of such as resist the ordinance of God, i.e. of Usurpers, which plainly supposes that some men are: And Dr. *Jackson* immediatly tells us who are, *This belongs to the Higher Powers only, or unto them to whom the Supreme Power by right is annexed*, i. e. The Rightful Prince hath Authority, and is an Avenger of an Usurper. And so *Henry* of *Richmond was authorized by God's Ordinance*, i. e. he was the Right Heir for that the Dr. plainly means by *God's Ordinance*, (This indeed is a mistake in History, but that is nothing to the Argument) and upon that account, had authority to execute vengeance on him; *which every one might not, which perhaps no other might have done save only in his right and interest, and by his Commission and Command*; i. e. tho others may not do it of their own private heads, yet they may in the right and interest, and by the Commission and Command of the Right Heir. And now we have it with the *Conjunctive*, and what hath the Dr. to say to it? he tells us,

who ever doubted, but a Rightful Prince, when dispossessed unjustly may recover his Throne if he can, and dispossess the Usurper, or that those who lawfully receive Commissions from him may law- Vindic. p. 77.

lawfully fight in his quarrel. But the great Queſtion ſtill remains, whether Subjects may lawfully take Commiſſion from the diſpoſſeſſed Prince, to fight againſt the Prince, who is ſetled in the poſſeſſion of the Throne; this Dr. Jackſon *does not ſay, and therefore he can do our Author no ſervice.* Right he does not ſay it, nor was there any reaſon for it, but this he ſays, that the Right Heir, or diſpoſſeſſed Prince is the *Higher Powers*, and it is a *great Queſtion* indeed, whether the Subjects may *lawfully* take a *Commiſſion* from the *Higher Powers*, and the inſtance makes this as clear as the Sun, Dr. *Jackſon* ſays, *perhaps no other Perſon might have done it, ſave only in* his *right and intereſt, and by* his *commiſſion and command*; and in whoſe right and intereſt, &c. did he mean? why truly in the right and intereſt, and by the commiſſion and command of *Henry* of *Richmond*; and who I pray were the men that took Commiſſions of him, and fought for him? why truly no body elſe, but the Subjects of *England* even at the ſame time that the Uſurper actually governed; and then the Subjects may lawfully take Commiſſions from the Right Heir, to fight againſt the Prince, who is ſetled in the Poſſeſſion of the Throne. The truth is any man who is not concern'd it ſhould mean otherwiſe, will eaſily ſee, that what Dr. *Jackſon* here obviates is the reſiſting or killing an Uſurper of a mans *own private head*, but by no means to prejudice the Right and Intereſt of the Lawful Prince; as appears plainly by the former limitation, *that the Acts of a falſe Magiſtrate are of validity, and his Perſon is to be obeyed*, until *he be declared an Uſurper by ſome Higher Power.* And the Caſe of *Richard* and *Henry* is but an example to illuſtrate the Doctrine he had before delivered; and when *Henry* of *Richmond* had declared *Richard* an Uſurper, (as he manifeſtly did by making war upon him) the validity of his Acts of Government and Obedience to his Perſon fell from him, and centred in the Higher Powers and in the Ordinance of God; and 'tis ridiculous to queſtion the lawfulneſs of taking Commiſſions from the Higher Powers, to fight againſt a Prince who hath no Authority, and when there is no obedience due to him. And by this time the Dr. may ſee what great Reaſon he had to appeal to his Reader *to judge on which ſide Dr.* Jackſon *is.*

As to the validity of the Acts of Government by an Uſurper, the Dr. may be ſatisfied in the *Caſe of Allegiance to a King* de facto. And that worthy Author hath ſince given him abundant ſatisfaction.

We have now ſeen how much that which *he* hath cited out of Dr. *Jackſon* makes for him, in the next place let us conſider, how much that which I have cited makes againſt him, he did not care to repeat it; but thus it is as much as concerns the Caſe of Uſurpation.

He who is a mere Uſurper, or a Tyrant by Title may be reſiſted by violence even to depoſition, or death, albeit he happens to exerciſe his power with ſuch moderation, as would become a juſt and lawful King; — it is a truth unqueſtionable, that a Tyrant by Title, &c. *may be reſiſted without reſiſting the Ordinance of God: And the Reaſon is plain, for that he could neither uſurp, nor continue his power otherwiſe than by reſiſting ſome Higher Powers, or by reſiſting the Ordinance of God*; and among others he inſtances, *in caſe he uſurp or exerciſes Royal Authority over ſuch as have been formerly governed by Royal Succeſſion; he openly reſiſts power much higher than his own, whether this power be* yet actually annexed *to ſome known Perſons, that have Right or Title to the Kingdom by Succeſſion, or whether in defect of the Antient Royal Iſſue,* &c. from hence theſe things are plain.

1. That an Uſurper may juſtly be reſiſted and depoſed, and therefore he hath not the irreſiſtable Authority of a Sovereign Prince. And the Drs. Title to his Book, and his Hypotheſis do not agree; the Title is *the Caſe of Allegiance due to* Sovereign Princes: And his Hypotheſis concerns only obedience to *Uſurped Powers.*

2. The formal reaſon why they may be reſiſted or depoſed is, becauſe they reſiſt ſome *Higher Powers*, or they reſiſt the *Ordinance of God*; and from whence it plainly and undeniably follows.

1. That Uſurpers are not the *Higher Powers* nor the *Ordinance of God*, for 'tis a contradiction to ſay, that thoſe are the *Higher Powers* or the *Ordinance of God*, whoſe very eſſence and conſtitution conſiſts in reſiſting them And this ſtrikes at the Root of both the Doctors Books.

2. That the Right Heir or the King out of poſſeſſion, is the Higher Power and the Ordinance of God, for otherwiſe it could not be ſaid, that *an intruder into the Office Royal could* never *uſurp or* continue *his power otherwiſe then by reſiſting ſome higher power or the Ordinance of God*; and as he afterwards expreſſes it with reſpect to a Government by ſucceſſion. *He* (the Uſurper) *reſiſts power* much higher *than his own.* And if the Right Heir or King out of poſſeſſion be the *Higher Power* and the *Ordinance of God*, then *he* is the Perſon within the Precept of the *Apoſtle* in the 13th to the *Romans* and not the Uſurper. And therefore whatever may be due to an Uſurper in the exerciſe of Royal Power in indifferent caſes, nothing can be due to him in prejudice of the Right Heir, for our duty to the place and power the Uſurper holds (which is the utmoſt Dr. *Jackſon* allows) can never be interpreted to the wrong and injury of the Perſon, to whom that place and power of Right belongs, and whoſe it is: For I hope no duty to Uſurpers will excuſe us for reſiſting the *Higher Powers*, and the *Ordinance of God*; and if the Right Heir be the *Higher Power* and the *Ordinance of God*, then whoſoever reſiſts him, reſiſts the *Higher Power* and the *Ordinance of God*: And I would fain know, if the Uſurper by reſiſting the Rightful Prince, reſiſts the *Higher Power* and the *Ordinance of God*, why alſo every man elſe that reſiſts the rightful Prince does not likewiſe reſiſt, the *Higher Power* & the *Ordinance of God*. And the Dr. may trie if he has a diſtinction that can make it a duty to obey Uſurpers, in oppoſition to St. *Paul*, who commands us to obey the *Higher Powers*, and who *are ordained of God.*

And thus Dr. *Jackſon* himſelf expreſly determines it in the very caſe of *Richard* the Third. He tells us, (3. Tom. p. 881.) *They were not Traitors that did yeild obedience to the Laws made by him, or ſubmit themſelves unto the Magiſtrates of his appointment, ſave only in Caſes wherein the Laws made by him might prejudice the fundamental Laws of this Kingdom, or* cut off the Right of Succeſſion to the Crown. *But in caſe the Magiſtrates Earls, or Barons created by him, ſhould have commanded their inferiors to take arms againſt the* known and lawful heir *to the Crown, ſo have yeilded obedience to them in this caſe, had been* Treaſon; *as* Rich *himſelf during all the time of his Reign was no better than a* Traitor.

I have one thing more to obſerve from hence, and that is, that the Rightful King out of Poſſeſſion is not only the *Higher Power*, but that he has the Power actually annex'd to his Perſon, for thus Dr. *Jackſon* expreſſes it, the Uſurper *openly reſiſts Power much higher than his own, whether the Power be yet* actually annexed *to ſome known Perſons that have Right or Title to the Kingdom by ſucceſſion*; which overthrows at leaſt one half of his two books, and all his Arguments about *actual* Authority, *&c.* And beſides fully anſwers his little exception about receiving Commiſſions from them; for it is ridiculous and a contradiction to talk of Power being *actually* annexed to the Perſon of a Prince, when he cannot exerciſe any *Acts* of Power and Authority.

The Dr. comes to examine another citation I produced out of Dr. *Jackſon.* And uſhers it in with this laudable preface; *But this he has ſo ſhamefully mangled, that a little diſcretion would have taught him rather to have left it out, then to have betrayed ſo much diſhoneſty in his quotations.* Theſe are hard words, and the Dr. is bound in honour to make them good, for it is *ſhameleſs* with a witneſs to charge a man at this rate, and have nothing to ſay to juſtifie it; And let us ſee what it is he does ſay: He ſays, *he will give the Reader the entire paſſage.*

1. Jehoiada *in that he was High Prieſt, was a prime Peer in the Realm of* Judah, *and inveſted with the Power of Juriſdiction next in order and dignity to the Higher Power*; *This* (ſaith the Dr.) *our Author leaves out:* Right I did ſo, and what reaſon was there to tranſcribe more than was neceſſary, and concerned the queſtion. I wonder he did not charge me with diſhoneſty for not quoting the whole Sermon. But he ſays, *it is very material, becauſe it ſhows by what Authority he did it, as the ordinary Supreme Magiſtrate in the vacancy of the Throne*, then it ſeems the Throne was *vacant*, and I would deſire the Dr. to tell me *when* according to his Principles; when *Athaliah* was on the Throne, it was fill'd with God's Providential Queen, when *Joaſh* was crown'd it was fill'd with a King by Divine Entail; but according to the

the Dr. it was never vacant, and consequently according to him *Jehoiada* never had any such Authority. But the truth is the Throne was vacant all the time the Usurper possessed it, i.e. it was not legally fill'd: And *Jehoiada* as a Prime Peer of the Kingdom was to take care and to exercise his Authority, that the Right Heir might be restored; as Dr. *Jackson* says, *In the Right of this Prince, and for the actual annexion of the Supreme Power to his Person (unto whom it was* de jure *annexed)* Jehoiada *being the chief Magistrate, did by force and violence depose her.* And not as the Dr. seems to insinuate, that he had any power to make a Decision of a controversie between the Right Heir, and the Usurper, and which way soever he determined it, the People were bound to acquiesce; for Dr. *Sherlock* adds, *that is not merely in his Right of Priesthood, as the Papists pretend, nor merely as a Subject, but as being the Higher Power and Authority to whom the judgment of such matters belonged, as he had observed before*; what have we got here? can the Prime Peer of a Kingdom judge authoritatively and judicially of Kings? if the Dr. could persuade Dr. *Jackson* to say this, it might do his Hypothesis of the *Peoples consent in Parliament* some service; but his Doctrine about providence would suffer as much by it on the other hand, for then there would be a *Tribunal* on Earth for the decision of differences between Kings and Usurpers; and then the Events of Providence would make no difference between private injuries and usurpations of Government. Let that go as it will, he tells us, Dr. *Jackson had observed this before*: Now indeed Dr. *Jackson* did observe, that an Usurper's Acts are of validity, &c. *till he be declared to be an Usurper by some* **Higher Power or Authority**; now transfer this to *Athaliah* and *Jehoiada*, and see what wise work we shall make on't, that is to say all the time of *Athaliahs* Usurpation, *Jehoiada* was the *Higher Powers*, and then *Athaliah's* power must be inferiour to his; and so at last he has made a pure *Queen* of her, to have a Power inferiour and under the Authority of her own Subjects; for he tells us, Jehoiada *submitted to her and ought to be justified in it.* But the truth is Dr *Jackson* observ'd nothing at all of this; by the *Higher Powers* he means, the *Right Heir and Lawful King* as I have shewed before; and in this very place the Dr. cites out of him; he says Jehoiada *was invested with the Power of Jurisdiction* **next in order and dignity to the Higher Power**; and I suppose next to the *Higher Power*, is not the *Higher Power it self*. And therefore *Jehoiada* deposed and killed *Athaliah*, not *meerly in right of his Priesthood*, nor merely in Right of his Peerage, But Dr. *Jackson* says, expressly *in the Right of this Prince*, i.e. the *Infant* Joash unto whose Person, *The Power Royal was by Right annexed.* And to whom by virtue of his high Station, and his Relation to him as being the Kings Uncle, he might be Guardian; and therefore the fittest to preside and manage that undertaking, but it does not therefore follow, that if he had neglected it, or took part with the Usurper, but any other Peer or Subject might have undertaken it in the same Right, and by the same Authority; and Dr. *Jackson* plainly intimates it by the inference he draws from hence which the Dr. conceals, tho he told us he would give the Reader the *intire passage*; *Is it then all one in these mens Divinity, for a* **Subject or Peer** *of any Realm to stand for the Right of his Leige Lord against a Stranger or Usurper*, &c. So then it seems a *Subject or Peer* (and I hope **or** is a Disjunctive, a Subject that is not a Peer) may stand by the Right of his Leige Lord against an Usurper as well as a Prime Peer. The Dr. here charges me with *shamefully mangling* this passage of Dr. *Jackson*, and I shall leave it with the Reader, whether he hath not *shamefully interpreted it.* He adds, *This is the very account the Convocation gives of it, that* Jehoiada *did this being the Kings Uncle, and the chief Head and Prince of his Tribe, that is, not a private Subject, but a chief Prince in the Kingdom of* Judah. Now the Dr. deals with the Convocation just as he hath done with Dr. *Jackson*, and to shew what a fair interpretation he makes I shall cite the passage: 'Now 'after six years, that *Joash*, the true, 'and natural Heir apparent to the 'Crown, had been so brought up. 'He the said *Jehoiada* being the 'Kings Uncle, and the chief Head or Prince of 'his tribe, sent through *Judah* for the *Levites* 'and

Vindic. p. 46.

Vindic. p. 27.

Convoc. p. 41.

nd chief Fathers both of *Judah* and *Benjamin* to come unto him to *Jeruſalem*, who 'accordingly repairing thither, and being made 'acquainted by him with the preſervation of 'their Prince, and that it was the Lords will 'that he ſhould reign over them; they altoge-'ther by a covenant acknowledged their Alle-'giance to him, as unto their Lawful King, and 'ſo diſpoſed of things, as preſently after he was 'crowned and anointed; which dutiful office 'of Subjects being performed, they apprehend-'ed the Uſurper *Athaliah* and ſlew her, as be-'fore it was by the ſaid *States* reſolved. In all 'the proceſs of which action nothing was done, 'either by the High Prieſt, or by the reſt of the 'Princes and People of *Judah*, which God him-'ſelf did not require at *their* hands: And what 'is all this to Jehoiada's *being the Higher Power and Authority to whom the judgment of ſuch matters belonged?* where is any judicial or authoritative Act of his? he conven'd them indeed, and which he might do as High Prieſt, and Prince of his Tribe, and acquainted them with the Preſervation of their Prince; and the Convocation attributes no more to him in particular; but the acknowledgment of their Allegiance, and the buſineſs of depoſing and ſlaying *Athaliah* was reſolved on by common conſent; (*by the ſaid States*) There is nothing of Authority aſcrib'd to *Jehoiada* in this, and they expreſs it yet plainer in their *Canon*. 'Or that '*Jehoiada* the High Prieſt was not bound, as 'he was a Prieſt both to *inform* the Princes and 'People, of the Lords promiſe, that *Joaſh* 'ſhould reign over them, and likewiſe to anoint 'him. Now as I take it *informing* is not commanding them, nor directing them by an act of Authority. And if *Jehoiada* had not done as he was *bound*, if he had not *informed* them, nay if he had *informed* them otherwiſe, yet if they had been *informed* any other way, I ſuppoſe they might have done their duty, and have acknowledged their Allegiance to their natural Prince, and have reſolved together to depoſe and ſlay the Uſurper, what Authority ſoever *Jehoiada* had, or how much ſoever he had *informed* or *commanded* them to the contrary; was it their duty to adhere to their natural Prince or not? if it was, the interpoſition of *Jehoiada's* Authority either way could not influence that; the great Authority of the High Prieſt might indeed facilitate and expedite the ſetting him on the Throne, but could not make that a duty which was not, nor make that ceaſe to be a duty which was ſo before.

And now let me ask the Dr. where is the *ſhameful mangling and diſhoneſty* in my not citing this paſſage of *Jehoiada's* being a *Prime Peer, and inveſted with Power of juriſdiction next to the Higher Power*? For what is that to the purpoſe for which I cited Dr. *Jackſon*? The ſingle queſtion is, whether it be lawful to obey an Uſurper in poſſeſſion of the Throne, in oppoſition to the Right Heir out of poſſeſſion; and what was the heigth of his Station, and the power of his Juriſdiction to that? as high as he was, it was not *lawful* for him, and his fact plainly declares it. His high dignity indeed made it reaſonable for him to interpoſe his Authority in behalf of the Right Heir, and was the fitteſt to conduct and manage an affair of that nature, but it made no difference in the lawfulneſs of the thing; for if it be unlawful for a *Prime Peer* to joyn himſelf to an Uſurper in oppoſition to the Rightful Prince, 'tis unlawful for a *private Subject*. And that was all that I was concerned in; it was foreign to the queſtion to meddle in the diſpute with the Papiſts, to whom this was an Anſwer, for they urge this fact of *Jehoiada* as an Act of Authority annexed to the Prieſthood, And the Dr. ſays in expreſs terms, That *this was an Act of Authority and Juriſdiction.* I will not return his ſcurrilous *inuendo* of *looking kindly towards Rome*; but he hath given the Papiſt greater advantage in this Controverſie than any Proteſtant ever did: For if it be granted, that this was *an Act of Juriſdiction* and Authority in *Jehoiada*, the Queſtion hath a new face, and 'tis ſplitting an hair, whether that was the Authority of the High Prieſt, or of the Prime Peer; whereas all Proteſtants have fix'd it upon a clearer bottom, and ſay that what he did, was in the Right of his Prince, and not by any Authority of his own; and remove the controverſie off of that bottom, and admit that *Jehoiada* acted in a way of *Juriſdiction*, it will be very difficult to prove, but that the High Prieſt, *qua* ſo, had the higheſt Authority in that State, next to the King; and conſequently if *Jehoiada* acted *authoritatively* it was in the capacity of

High

High Prieſt, and not as the *Kings Uncle* or as a *Prime Peer*.

He proceeds out of Dr. *Jackſon*, ſecondly, the Power Royal or Supreme was by right, *by the expreſs Ordinance, and poſitive Law of God*, annexed unto the Infant Prince, *whom* Jehoiada's *Wife had ſaved from the Tyranny of* Athaliah, as being next Heir *now alive unto* David. *In the Right of this Prince, and for the Actual annexion of the Supreme Power to his Perſon (unto whom it was* de jure *annexed)* Jehoiada *being the chief Magiſtrate in the vacancy, did by force and violence* depoſe her who had uſurped the Royal Scepter by violence, *and cruel murder of her Seed Royal.* The Dr. adds, *all theſe words in a different character are left out by our Author.* And that is true, *and ſome of them very material ones*, and that is true too; for inſtance, *In the Right of this Prince, and for the actual annexion of the Supreme Power to his Perſon (unto whom it was* de jure *annexed)* Jehoiada *being the chief Magiſtrate in the vacancy, did by force and violence depoſe her.* Now I think this is very material to prove theſe two things. 1. That Jehoiada did not act judicially, and by way of Authority determine the Government to be Regal, and depoſe *Athaliah*, but he did it *in the Right* of the Prince. And *being the chief Magiſtrate in the vacancy*, made uſe of the Power and Authority, *for the actual annexion of the Supreme Power to his Perſon, unto whom it was* de jure *annexed*; i. e. He did right to his Prince, not as a Judge, but as a Prime Miniſter of great power. 2. That the Drs. outcry about the change of one particle for another (*or* for *and)* is a meer Cavil, for if what Dr. *Jackſon* ſays here may interpret his ſenſe, then the Particle *and* in that ſentence (*ſave only in his right and intereſt* and *by his Commiſſion and command)* is to be underſtood *disjunctively*; for 'tis not to be ſuppoſed, that ſuch an *Infant* Prince could give *Jehoiada* a Commiſſion And then a Subject eſpecially if he be the Prime Peer, may depoſe an Uſurper in the Right of a diſpoſſeſſed Prince, without his *Commiſſion*, or, if it may be ſuppoſed, then *a Subject may lawfully take a Commiſſion from a diſpoſſeſſed Prince, to fight againſt an Uſurper in the Poſſeſſion of the Throne*; and the Dr. may take his choice, and ſuppoſe which he pleaſes. But theſe it ſeems, were not ſo *material* as the Dr. thought fit to take notice of, but he names two. Jehoiada *being the chief Magiſtrate in the vacancy, which* (he ſays) *ſhews this was an Act of Authority and Juriſdiction*: But of that enough hath been ſaid already. The other is, *By the Expreſs Ordinance, and poſitive Law of God, and the next Heir now alive unto* David, *which plainly refers to the Divine Entail on* David's *Family, and diſtinguiſhes this from the Caſe of other Uſurpers.* Now I confeſs had I cited this paſſage againſt the Doctor, it had been reaſonable for me to have repeated theſe words, becauſe he lays ſuch a mighty ſtreſs on them; but I have told him already, that by the Citations, I had only reſpect to the *Author* againſt whom I wrot; and my Pamphlet was in the Preſs, before his Book was publiſh'd, and I never ſaw it afterwards, 'till it was abroad. That *Author* ſays nothing of the *Divine Entail*, tho the Dr. does; and his Arguments about it I have conſider'd before. But that Dr. *Jackſon* made no ſuch difference between the Caſe of *Athaliah* and other Uſurpers appears plainly from the general Doctrine, which he delivers before. And without having recourſe to that, if the Doctor would have done Dr. *Jackſon* and me right, and have repeated what I had cited out of him, it would evidently have appear'd to the Reader, that Dr *Jackſon* made no manner of difference in that reſpect; nor thought that the *Divine Entail* made any alteration, with reſpect to Uſurpation, or the duty of Subjects; for he draws from hence a general inference, which concerns all times and places: for it immediately follows; and which I had cited from him, and which the Doctor omits and ſuppreſſes, *Is it then all one in theſe mens Divinity, for a Subject, or Peer of any Realm* (not only of the Realm of *Judah*) *to ſtand for the Right of his Liege Lord, and for the ancient Liberties of his Native Country, againſt a Stranger or Uſurper? And for a Stranger, no Native Member of this or the like Chriſtian Common-wealth, to throw down the Lawful King from his Throne? or to authorize his Subjects or others, to do to him, as* Jehoiada *did to* Athaliah? *And to bring*

Anſwer to Pamph. p. 28.

Vindic. p. 78.

in

in a Stranger or Alien, as he to caſt out a Stranger or Uſurper? This immediately follows in Dr *Jackſon*, and I had cited them *verbatim* from him, which directly anſwer his Exceptions, and which he perfectly ſuppreſſes, and yet tells his Reader, *he would give him the entire paſſage*; and yet notwithſtanding he could make this Preface to his Examination of this paſſage: *But this* (Citation from Dr. *Jackſon*) *he has ſo ſhamefully mangled, that a little diſcretion would have taught him rather to have left it out* (as it ſeems the Drs. *diſcretion* taught him to *leave out* what made againſt him) *than to have betrayed ſo much diſhoneſty in his Quotations.* Now all that I ſhall obſerve from hence is, that the Doctor is very clamorous in his charges, but very unfortunate withal; for they always turn upon him, and come home to him. P. 77, 78.

The Dr. tells me, *I conclude my Poſtſcript with Rage and Venom*: that is to ſay, 'tis very *furious* and *venemous* to charge Dr. *Sherlock* with maintaining of *Paradoxes*, tho he hath done nothing elſe in his two laſt Books; and any man that hath heard of the Diſtinction of *Tyrannus ſine Titulo*, & *Tyrannus exercitio*, is able to diſcover it. And he cannot be prevail'd upon to clear himſelf of it, but leaves it to a Learn'd Pen to do it for him; which is a ſmall demonſtration, that he cannot do it himſelf. It was very *venemous* too, I ſuppoſe, to joyn him in this matter with *Goodwyn*, *Eaton*, and ſuch as they: and I muſt confeſs, they are not very laudable Companions: But people that maintain the ſame Doctrines and Opinions, have no great reaſon to quarrel at their company: And if he does not like them, he may try if he can tell where to get any better: Would he have had me joyn'd him with Biſhop *Sanderſon*, when he hath uſed his utmoſt skill to confute him, or with Dr. *Hammond*, and the other famous Worthies of our Church, when they maintain the clean contrary to what he does?

I had cited a paſſage out of his *Caſe of Reſiſtance*, and this is *venemous* too; and how can I help it, if his *Caſe of Reſiſtance* contains ſuch *Venom*? But for part, I took it for *antidote*, and for that end recited it, as a Preſervative and *Antidote*. And the Argument I rais'd from it, is this, That what the Doctor had lay'd down concerning *Uſurped Powers*, *was the ſenſe of the Church of* **England** *at that time.* And the Reaſon I gave for it was, *for this paſſage was never queſtion'd, till he hath now done it himſelf.* But this was ſo very *venomous*, that the Doctor would not come near it. Well! he tells us, *he hath changed his opinion indeed about the Authority of Uſurpers.* And I have nothing to ſay to that; he may change his opinion as often as he pleaſe. But he tells us, *he has Scripture and Reaſon, the Authority of the Church of* England, *to juſtifie this change.* But I do not think theſe are half ſo changeable as the Doctor's Principles, nor will turn with the Compaſs, he pretended he had them before, and with as much aſſurance as he does now: And whether he hath them now to juſtifie him, is the ſubject of our preſent Controverſie. Poſtſcr. p. 17.

He adds, *But what a charitable opinion our Author has of the preſent Government, and of all that comply with it, we may ſee in the parallel he makes between my Caſe, and that of* **Hazael**. *As if ſwearing to King* William *and Queen* Mary, *were as great, as notorious, as ſelf-evident an impiety and wickedneſs, as all the villanies which the Prophet* Eliſha *foretold* **Hazael**, *that he would be guilty of: I know the Evil that thou wilt do unto the Children of* **Iſrael**; *their ſtrong holds wilt thou ſet on fire, and their young men wilt thou ſlay with the ſword, and wilt daſh their children, and rip up their women with child.* Now the Doctor's Reader, (eſpecially if he be eaſie of belief) is to ſuppoſe that I ſaid all theſe matters, and made ſuch terrible compariſons; whereas in truth I ſaid no ſuch word, nor any thing like it. I compar'd indeed **Hazael's** change of mind, and the Doctor's, and what is that to the Government, or to thoſe that comply with it? I wonder the Doctor did not tell me, that I paralleld his *Caſe of Allegiance*, Vindic. p. 79. 2 Kings 8. 12. Poſtſcr. p. 18.

giance; with Hazael's *slaying the young men*, and this would have been dreadful indeed, and would have shewn, what an opinion I had of his Arguments; whereas I do not think they are half so formidable, nor will do any mischief at all. Hazael indeed, thought it was impossible for him do those things, the Prophet told him he would do, and which afterwards he actually did. And had the like Question been put to the Doctor concerning his present Opinions and Practices, I believe he would have return'd such an Answer: *i. e.* he would have thought it as impossible for him to own and practise what he has done, as Hazael thought it impossible for him to do what he afterwards did. *And what is this to my opinion of the Government, and of those that comply with it?* But this is another Artifice of the Doctor's: He would fain interpret what I say against him and his Hypothesis, to be against the Government, and all those that comply: whereas I dispute against no body but him. He does not know, whether I have, or have not a charitable opinion of the Government, or the Complyers; but he knows what opinion I have of his Hypothesis and Arguments: and let him defend them as well as he can, without troubling himself with Inquiries that do not concern him, and entitling other men to matters that are peculiarly his own.

To my Parting Request, the Doctor answers, *I do affirm it again, That I was never factious against taking the Oaths, nor made it my business, to dissuade men from it; when my Opinion was asked, I declared my own thoughts, but never sought out men to make Proselytes.* Now he had been told, *that never was a very long time, and some body or other might chance to remember.* He answers, *He fears not our Memories so much as our Inventions, and bids us produce the man.* And yet for all this swaggering, the matter is not so very plain, but it needs a Distinction to help him off. And thus follows:

Postscr. p. 18.

Tho our Author seems very well acquainted with the thing call'd Faction (i. e. 'tis a very *factious* thing to write against the Doctor) *yet he is not willing to understand the word; and therefore I must tell him, that when I say,* I was never factious *against the Oath, I do not mean, that I was never hearty and zealous against taking the Oath; for I hope there may be Zeal without Faction; or that when I was pressed to discourse the matter, I did not talk with as much warmth and concernment as other men. But Faction is quite another thing, it shews it self in Separations and Schisms, in Rancour and Bitterness, Envyings and Emulations, in violent oppositions to Government, in changing and confining friendship to a Party, in Censures and Reproaches, in stigmatizing all Persons of another Perswasion as* perjur'd Knaves. These were intended for a Complement to his Adversary and the Non-swearers. For he tells me, *I seem to be well acquainted with the thing (faction)*, and so I am to thank him for all these fine Characters. Now I have no Answer to hard names, but methinks he might have spar'd *Schismaticks*, 'till he had answer'd a small Question I put to him, about that affair.

Postscr. p. 10.

Now this is a very pleasant business, the Doctor, I suppose, would perswade me, to prove him a *Schismatick, Bitter and Envious, a violent opposer of Government*, &c. for not taking the Oath. And yet he is so kind to bestow all these favors upon us. And I do not know why they might not fit him as well in the same Capacity. But what he said or did, is *Heartiness* or *Zeal*, what we do is *Faction*, and I know not what. Now I will readily grant him, when he said *he was never engaged in any Faction against the Oath*, he did not intend to call himself a *Schismatick, Envious, Censorious*, and all the hard Names above,

but that he did design likewise to quit himself of *Heartiness* and *Zeal*, is evident enough, from the second Page of the Preface to his *Case of Allegiance*. There he tells, *Tho I refused to take the Oaths, I never engaged in any faction against it.* And how does he prove that? It follows, *I never made it my business to dissuade men from it; when my opinion was asked, I declared my own thoughts; but I never sought out men to make Proselytes.* What is this to *Schism*, and *Rancor*, and *Envy*, and *Emulation*, and all the rest of that Black Catalogue? May not a man make it his business to dissuade men from what he conceives an *Ill Thing*, and persuade them to what he conceives a Good Thing, without presently being guilty of *Schism*, and the Seven Deadly Sins? So that to dissuade men from the Oath, especially when not asked, is that which he means by *Faction*, or else his Paragraph is inconsistent with it self. And as to Faction in this kind, I tell him again, *that never is a very long time.* And a man that makes such a bold assertion, had need be sure of his own memory, before he charges other mens inventions. Well! But the Doctor is now for owning, that he was *Hearty* and *Zealous* against taking the Oath. And are not these pure Characters of *Zeal* never to make it our business to dissuade men by all fair ways, from what we are *Zealous* against, and never to persuade them to what we are *Zealous* for? I wonder what he means by *Zeal*: it is indeed opposed to *Faction*; but it is opposed likewise to Coldness and Indifferency. And which is yet more remarkable, he says in the same Preface, that *he wished he could have done* (taken the Oaths) *as others did.* This is an extraordinary instance of *Zeal*, to be *Zealous* against what we think an *Ill Thing*, and at the same time *wish* we could do it. He says he thought it an *Ill Thing*, and a few Line, after tells us, he *wished he could* take it? This is such a Zeal, as never was heard of: Does Zeal against a thing, use to shew it self in wishes and desires towards it? This is an Argument of great insincerity, but very little Zeal; so that whatever the Dr. may speak of his Zeal and Warmth to stop an Objection, which could not otherwise be avoided, it is plain enough, that he took all care to represent it as little as possible; and he hath given such a cold and languid account of his management, while he was engaged against the Oath; That any man that is not blind or prejudic'd, may plainly see, that his whole design, was to represent himself as low and indifferent as he was able, and by palliating and diminishing methods, to recommend himself to one Cause, by pretending such a flatness and unconcernment, as would make wise men suspect he was not very sincere in the other.

He adds, *Whereas tho there had been a material perjury, a different opinion may excuse from formal perjury; for no man is formally perjur'd, who does not know it. I shall not explain this by instances; for if our Author is for writing* **Secret Histories**, *I am not so at present.* This is dark and mysterie, and so it must remain, 'till the Doctor explains it. He seems to insinuate, that he knows some body or other, who have taken an Oath against their Consciences: and it may be so, for any thing I know. Both he and the Author of the Letter to him, are very angry and pievish with me, for charging them with *Rebellion* and *Perjury*, altho there is not the least word of it in my Book: and the Doctor knows what construction the World has always made; when men are careful and solicitous to obviate an accusation, which was never made against them. Vindic. p. 80. Vindic. p. 72. Lett. p. 32.

As for his Parting and Conclusion, I have only this to observe, That the Doctor hath the *modestest* way of ending his Books that ever I saw. His *Vindication of the Doctrine*

Doctrine of the Trinity, and his *Doctrine of Self-conſciouſneſs*, he ends thus, *I am pretty confident he will never be able to reaſon to any purpoſe, in this Cauſe again.* Altho he hath given his Adverſary the greateſt Advantage, and inſtead of vindicating, hath mightily prejudic'd that Article of the Chriſtian Faith, by clogging it with *New Notions*; and which in a ſettled State of the Church, would hardly have eſcap'd Eccleſiaſtical Cenſure. His *Caſe of Allegiance* concludes, with *hoping he may ſatisfie them* (thoſe not of his mind) *that he hath* ſomething *to ſay for himſelf*, a *Meioſis*, very great, conſiderable, unanſwerable. And he ends his *Vindication*, with telling me, *if I will promiſe to examine his Arguments well before I anſwer, he ſhall expect to hear no more from me.* And yet a man would be apt to imagine, that falſe Reaſonings, Artificial Shifts and Diſtinctions, plain and downright Contradictions in the Premiſes, were an unequal foundation, to ſupport ſo much *Triumph* and *Glory* in the Concluſion. However the Doctor finds he is miſtaken; he hath *heard from me* again. But whether *I have examin'd his Arguments* well, I ſhall leave to the Reader's Judgment, and to the Doctor's Examination.

FINIS.